



Sen. Pamela J. Althoff

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LRB099 05381 MLM 48991 a

1 AMENDMENT TO SENATE BILL 1050

2 AMENDMENT NO. _____. Amend Senate Bill 1050 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Section 20-5 as follows:

6 (5 ILCS 430/20-5)

7 Sec. 20-5. Executive Ethics Commission.

8 (a) The Executive Ethics Commission is created.

9 (b) The Executive Ethics Commission shall consist of 9
10 commissioners. The Governor shall appoint 5 commissioners, and
11 the Attorney General, Secretary of State, Comptroller, and
12 Treasurer shall each appoint one commissioner. Appointments
13 shall be made by and with the advice and consent of the Senate
14 by three-fifths of the elected members concurring by record
15 vote. Any nomination not acted upon by the Senate within 60
16 session days of the receipt thereof shall be deemed to have

1 received the advice and consent of the Senate. If, during a
2 recess of the Senate, there is a vacancy in an office of
3 commissioner, the appointing authority shall make a temporary
4 appointment until the next meeting of the Senate when the
5 appointing authority shall make a nomination to fill that
6 office. No person rejected for an office of commissioner shall,
7 except by the Senate's request, be nominated again for that
8 office at the same session of the Senate or be appointed to
9 that office during a recess of that Senate. No more than 5
10 commissioners may be of the same political party.

11 The terms of the initial commissioners shall commence upon
12 qualification. Four initial appointees of the Governor, as
13 designated by the Governor, shall serve terms running through
14 June 30, 2007. One initial appointee of the Governor, as
15 designated by the Governor, and the initial appointees of the
16 Attorney General, Secretary of State, Comptroller, and
17 Treasurer shall serve terms running through June 30, 2008. The
18 initial appointments shall be made within 60 days after the
19 effective date of this Act.

20 After the initial terms, commissioners shall serve for
21 4-year terms commencing on July 1 of the year of appointment
22 and running through June 30 of the fourth following year.
23 Commissioners may be reappointed to one or more subsequent
24 terms.

25 Vacancies occurring other than at the end of a term shall
26 be filled by the appointing authority only for the balance of

1 the term of the commissioner whose office is vacant.

2 Terms shall run regardless of whether the position is
3 filled.

4 (c) The appointing authorities shall appoint commissioners
5 who have experience holding governmental office or employment
6 and shall appoint commissioners from the general public. A
7 person is not eligible to serve as a commissioner if that
8 person (i) has been convicted of a felony or a crime of
9 dishonesty or moral turpitude, (ii) is, or was within the
10 preceding 12 months, engaged in activities that require
11 registration under the Lobbyist Registration Act, (iii) is
12 related to the appointing authority, or (iv) is a State officer
13 or employee.

14 (d) The Executive Ethics Commission shall have
15 jurisdiction over all officers and employees of State agencies
16 other than the General Assembly, the Senate, the House of
17 Representatives, the President and Minority Leader of the
18 Senate, the Speaker and Minority Leader of the House of
19 Representatives, the Senate Operations Commission, the
20 legislative support services agencies, and the Office of the
21 Auditor General. The Executive Ethics Commission shall have
22 jurisdiction over all board members and employees of Regional
23 Transit Boards. The jurisdiction of the Commission is limited
24 to matters arising under this Act, except as provided in
25 subsection (d-5).

26 A member or legislative branch State employee serving on an

1 executive branch board or commission remains subject to the
2 jurisdiction of the Legislative Ethics Commission and is not
3 subject to the jurisdiction of the Executive Ethics Commission.

4 (d-5) The Executive Ethics Commission shall have
5 jurisdiction over all chief procurement officers and
6 procurement compliance monitors and their respective staffs.
7 The Executive Ethics Commission shall have jurisdiction over
8 any matters arising under the Illinois Procurement Code if the
9 Commission is given explicit authority in that Code.

10 (d-6) (1) The Executive Ethics Commission shall have
11 jurisdiction over the Illinois Power Agency and its staff. The
12 Director of the Agency shall be appointed by a majority of the
13 commissioners of the Executive Ethics Commission, subject to
14 Senate confirmation, for a term of 2 years. The Director is
15 removable for cause by a majority of the Commission upon a
16 finding of neglect, malfeasance, absence, or incompetence.

17 (2) In case of a vacancy in the office of Director of the
18 Illinois Power Agency during a recess of the Senate, the
19 Executive Ethics Commission may make a temporary appointment
20 until the next meeting of the Senate, at which time the
21 Executive Ethics Commission shall nominate some person to fill
22 the office, and any person so nominated who is confirmed by the
23 Senate shall hold office during the remainder of the term and
24 until his or her successor is appointed and qualified. Nothing
25 in this subsection shall prohibit the Executive Ethics
26 Commission from removing a temporary appointee or from

1 appointing a temporary appointee as the Director of the
2 Illinois Power Agency.

3 (3) Prior to June 1, 2012, the Executive Ethics Commission
4 may, until the Director of the Illinois Power Agency is
5 appointed and qualified or a temporary appointment is made
6 pursuant to paragraph (2) of this subsection, designate some
7 person as an acting Director to execute the powers and
8 discharge the duties vested by law in that Director. An acting
9 Director shall serve no later than 60 calendar days, or upon
10 the making of an appointment pursuant to paragraph (1) or (2)
11 of this subsection, whichever is earlier. Nothing in this
12 subsection shall prohibit the Executive Ethics Commission from
13 removing an acting Director or from appointing an acting
14 Director as the Director of the Illinois Power Agency.

15 (4) No person rejected by the Senate for the office of
16 Director of the Illinois Power Agency shall, except at the
17 Senate's request, be nominated again for that office at the
18 same session or be appointed to that office during a recess of
19 that Senate.

20 (e) The Executive Ethics Commission must meet, either in
21 person or by other technological means, at least monthly and as
22 often as necessary. At the first meeting of the Executive
23 Ethics Commission, the commissioners shall choose from their
24 number a chairperson and other officers that they deem
25 appropriate. The terms of officers shall be for 2 years
26 commencing July 1 and running through June 30 of the second

1 following year. Meetings shall be held at the call of the
2 chairperson or any 3 commissioners. Official action by the
3 Commission shall require the affirmative vote of 5
4 commissioners, and a quorum shall consist of 5 commissioners.
5 Commissioners shall receive compensation in an amount equal to
6 the compensation of members of the State Board of Elections and
7 may be reimbursed for their reasonable expenses actually
8 incurred in the performance of their duties.

9 (f) No commissioner or employee of the Executive Ethics
10 Commission may during his or her term of appointment or
11 employment:

12 (1) become a candidate for any elective office;

13 (2) hold any other elected or appointed public office
14 except for appointments on governmental advisory boards or
15 study commissions or as otherwise expressly authorized by
16 law;

17 (3) be actively involved in the affairs of any
18 political party or political organization; or

19 (4) advocate for the appointment of another person to
20 an appointed or elected office or position or actively
21 participate in any campaign for any elective office.

22 (g) An appointing authority may remove a commissioner only
23 for cause.

24 (h) The Executive Ethics Commission shall appoint an
25 Executive Director. The compensation of the Executive Director
26 shall be as determined by the Commission. The Executive

1 Director of the Executive Ethics Commission may employ and
2 determine the compensation of staff, as appropriations permit.

3 (i) The Executive Ethics Commission shall appoint, by a
4 majority of the members appointed to the Commission, chief
5 procurement officers and may appoint procurement compliance
6 monitors in accordance with the provisions of the Illinois
7 Procurement Code. The compensation of a chief procurement
8 officer and procurement compliance monitor shall be determined
9 by the Commission.

10 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11;
11 97-618, eff. 10-26-11; 97-677, eff. 2-6-12.)

12 Section 10. The Illinois Procurement Code is amended by
13 changing Sections, 1-10, 1-12, 1-13, 1-15.20, 5-5, 5-30, 10-10,
14 10-15, 15-25, 20-10, 20-15, 20-20, 20-25, 20-30, 20-43, 20-155,
15 20-160, 20-170, 25-85, 35-5, 35-30, 45-30, 45-45, 45-57, 50-2,
16 50-10, 50-10.5, 50-40, and 50-45 and by adding Sections 1-13.1,
17 1-15.47, 1-15.48, 20-51, 20-170, and 25-85 as follows:

18 (30 ILCS 500/1-10)

19 Sec. 1-10. Application.

20 (a) This Code applies only to procurements for which
21 bidders, offerors, potential contractors, or contractors were
22 first solicited on or after July 1, 1998. This Code shall not
23 be construed to affect or impair any contract, or any provision
24 of a contract, entered into based on a solicitation prior to

1 the implementation date of this Code as described in Article
2 99, including but not limited to any covenant entered into with
3 respect to any revenue bonds or similar instruments. All
4 procurements for which contracts are solicited between the
5 effective date of Articles 50 and 99 and July 1, 1998 shall be
6 substantially in accordance with this Code and its intent.

7 (b) This Code shall apply regardless of the source of the
8 funds with which the contracts are paid, including federal
9 assistance moneys. This Code shall not apply to:

10 (1) Contracts between the State and its political
11 subdivisions or other governments, or between State
12 governmental bodies except as specifically provided in
13 this Code.

14 (2) Grants, except for the filing requirements of
15 Section 20-80.

16 (3) Purchase of care.

17 (4) Hiring of an individual as employee and not as an
18 independent contractor, whether pursuant to an employment
19 code or policy or by contract directly with that
20 individual.

21 (5) Collective bargaining contracts.

22 (6) Purchase of real estate, except that notice of this
23 type of contract with a value of more than \$25,000 must be
24 published in the Procurement Bulletin within 10 calendar
25 days after the deed is recorded in the county of
26 jurisdiction. The notice shall identify the real estate

1 purchased, the names of all parties to the contract, the
2 value of the contract, and the effective date of the
3 contract.

4 (7) Contracts necessary to prepare for anticipated
5 litigation, enforcement actions, or investigations,
6 provided that the chief legal counsel to the Governor shall
7 give his or her prior approval when the procuring agency is
8 one subject to the jurisdiction of the Governor, and
9 provided that the chief legal counsel of any other
10 procuring entity subject to this Code shall give his or her
11 prior approval when the procuring entity is not one subject
12 to the jurisdiction of the Governor.

13 (8) Contracts for services to Northern Illinois
14 University by a person, acting as an independent
15 contractor, who is qualified by education, experience, and
16 technical ability and is selected by negotiation for the
17 purpose of providing non-credit educational service
18 activities or products by means of specialized programs
19 offered by the university.

20 (9) Procurement expenditures by the Illinois
21 Conservation Foundation when only private funds are used.

22 (10) Procurement expenditures by the Illinois Health
23 Information Exchange Authority involving private funds
24 from the Health Information Exchange Fund. "Private funds"
25 means gifts, donations, and private grants.

26 (11) Public-private agreements entered into in

1 ~~accordance with any law of this State according to the~~
2 ~~procurement requirements of Section 20 of the~~
3 ~~Public Private Partnerships for Transportation Act and~~
4 ~~design-build agreements entered into according to the~~
5 ~~procurement requirements of Section 25 of the~~
6 ~~Public Private Partnerships for Transportation Act.~~

7 (12) Contracts for legal, financial, and other
8 professional and artistic services entered into on or
9 before December 31, 2018 by the Illinois Finance Authority
10 in which the State of Illinois is not obligated. Such
11 contracts shall be awarded through a competitive process
12 authorized by the Board of the Illinois Finance Authority
13 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
14 50-35, and 50-37 of this Code, as well as the final
15 approval by the Board of the Illinois Finance Authority of
16 the terms of the contract.

17 (13) Contracts for participation expenditures required
18 by a domestic or international trade show or exhibition of
19 an exhibitor, member, or sponsor.

20 (14) Contracts with a railroad or utility that requires
21 the State to reimburse the railroad or utilities for the
22 relocation of utilities for construction or other public
23 purposes. Contracts included within this paragraph (14)
24 shall include, but not be limited to, those associated with
25 relocation, crossings, installations, and maintenance. For
26 the purposes of this paragraph (14), "railroad" means any

1 form of non-highway ground transportation that runs on
2 rails or electromagnetic guideways and "utility" means:
3 (1) public utilities as defined in Section 3-105 of the
4 Public Utilities Act, (2) telecommunication carriers as
5 defined in Section 13-202 of the Public Utilities Act, (3)
6 electric cooperatives as defined in Section 3.4 of the
7 Electric Supplier Act, (4) telephone or telecommunications
8 cooperatives as defined in Section 13-212 of the Public
9 Utilities Act, (5) rural water or waste water systems with
10 10,000 connections or less, (6) a holder as defined in
11 Section 21-201 of the Public Utilities Act, and (7)
12 municipalities owning or operating public utilities as
13 that term is defined in Section 11-117-2 of the Illinois
14 Municipal Code.

15 Notwithstanding any other provision of law, contracts
16 entered into under paragraph ~~item~~ (12) of this subsection (b)
17 shall be published in the Procurement Bulletin within 14
18 calendar days after contract execution. The chief procurement
19 officer shall prescribe the form and content of the notice. The
20 Illinois Finance Authority shall provide the chief procurement
21 officer, on a monthly basis, in the form and content prescribed
22 by the chief procurement officer, a report of contracts that
23 are related to the procurement of goods and services identified
24 in paragraph ~~item~~ (12) of this subsection (b). At a minimum,
25 this report shall include the name of the contractor, a
26 description of the supply or service provided, the total amount

1 of the contract, the term of the contract, and the exception to
2 the Code utilized. A copy of each of these contracts shall be
3 made available to the chief procurement officer immediately
4 upon request. The chief procurement officer shall submit a
5 report to the Governor and General Assembly no later than
6 November 1 of each year that shall include, at a minimum, an
7 annual summary of the monthly information reported to the chief
8 procurement officer.

9 Notwithstanding any other provisions of law, contracts
10 entered into under paragraph (13) of this subsection (b) shall
11 be published in the Illinois Procurement Bulletin within 14
12 calendar days after execution. The chief procurement officer
13 shall prescribe the form and content of the notice. The
14 applicable State agency shall provide to the chief procurement
15 officer, on a monthly basis, in the form and content prescribed
16 by the chief procurement officer, a report of the contracts
17 that are related to the procurement of supplies and services
18 identified in paragraph (13) of this subsection (b). At a
19 minimum, this report shall include the name of the contractor,
20 a description of the supply or service provided, the total
21 amount of the contract, the term of the contract, and the
22 exception of the Code utilized. A copy of any or all of these
23 contracts shall be made available to the chief procurement
24 officer immediately upon request. The chief procurement
25 officer shall submit a report to the Governor and General
26 Assembly no later than November 1 of each year that shall

1 include, at a minimum, an annual summary of the monthly
2 information reported to the chief procurement officer.

3 (c) This Code does not apply to the electric power
4 procurement process provided for under Section 1-75 of the
5 Illinois Power Agency Act and Section 16-111.5 of the Public
6 Utilities Act.

7 (d) Except for Section 20-160 and Article 50 of this Code,
8 and as expressly required by Section 9.1 of the Illinois
9 Lottery Law, the provisions of this Code do not apply to the
10 procurement process provided for under Section 9.1 of the
11 Illinois Lottery Law.

12 (e) This Code does not apply to the process used by the
13 Capital Development Board to retain a person or entity to
14 assist the Capital Development Board with its duties related to
15 the determination of costs of a clean coal SNG brownfield
16 facility, as defined by Section 1-10 of the Illinois Power
17 Agency Act, as required in subsection (h-3) of Section 9-220 of
18 the Public Utilities Act, including calculating the range of
19 capital costs, the range of operating and maintenance costs, or
20 the sequestration costs or monitoring the construction of clean
21 coal SNG brownfield facility for the full duration of
22 construction.

23 (f) This Code does not apply to the process used by the
24 Illinois Power Agency to retain a mediator to mediate sourcing
25 agreement disputes between gas utilities and the clean coal SNG
26 brownfield facility, as defined in Section 1-10 of the Illinois

1 Power Agency Act, as required under subsection (h-1) of Section
2 9-220 of the Public Utilities Act.

3 (g) This Code does not apply to the processes used by the
4 Illinois Power Agency to retain a mediator to mediate contract
5 disputes between gas utilities and the clean coal SNG facility
6 and to retain an expert to assist in the review of contracts
7 under subsection (h) of Section 9-220 of the Public Utilities
8 Act. This Code does not apply to the process used by the
9 Illinois Commerce Commission to retain an expert to assist in
10 determining the actual incurred costs of the clean coal SNG
11 facility and the reasonableness of those costs as required
12 under subsection (h) of Section 9-220 of the Public Utilities
13 Act.

14 (h) This Code does not apply to the process to procure or
15 contracts entered into in accordance with Sections 11-5.2 and
16 11-5.3 of the Illinois Public Aid Code.

17 (i) Each chief procurement officer may access records
18 necessary to review whether a contract, purchase, or other
19 expenditure is or is not subject to the provisions of this
20 Code, unless such records would be subject to attorney-client
21 privilege.

22 (j) This Code does not apply to the process used by the
23 Capital Development Board to retain an artist or work or works
24 of art as required in Section 14 of the Capital Development
25 Board Act.

26 (k) This Code does not apply to the process to procure

1 contracts, or contracts entered into, by the State Board of
2 Elections or the State Electoral Board for hearing officers
3 appointed pursuant to the Election Code.

4 (1) This Code does not apply to the processes used by the
5 Illinois Student Assistance Commission to procure supplies and
6 services paid for from the private funds of the Illinois
7 Prepaid Tuition Trust Fund. "Private funds" means funds derived
8 from deposits paid into the Illinois Prepaid Tuition Trust Fund
9 and the earnings thereon.

10 (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502,
11 eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12;
12 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;
13 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.
14 1-1-15.)

15 (30 ILCS 500/1-12)

16 (Section scheduled to be repealed on December 31, 2016)

17 Sec. 1-12. Applicability to artistic or musical services.

18 (a) This Code shall not apply to procurement expenditures
19 necessary to provide artistic or musical services,
20 performances, or theatrical productions held at a venue
21 operated or leased by a State agency.

22 (b) Notice of each contract entered into by a State agency
23 that is related to the procurement of goods and services
24 identified in this Section shall be published in the Illinois
25 Procurement Bulletin within 14 calendar days after contract

1 execution. The chief procurement officer shall prescribe the
2 form and content of the notice. Each State agency shall provide
3 the chief procurement officer, on a monthly basis, in the form
4 and content prescribed by the chief procurement officer, a
5 report of contracts that are related to the procurement of
6 goods and services identified in this Section. At a minimum,
7 this report shall include the name of the contractor, a
8 description of the supply or service provided, the total amount
9 of the contract, the term of the contract, and the exception to
10 the Code utilized. A copy of any or all of these contracts
11 shall be made available to the chief procurement officer
12 immediately upon request. The chief procurement officer shall
13 submit a report to the Governor and General Assembly no later
14 than November 1 of each year that shall include, at a minimum,
15 an annual summary of the monthly information reported to the
16 chief procurement officer.

17 (c) (Blank). ~~This Section is repealed December 31, 2016.~~

18 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

19 (30 ILCS 500/1-13)

20 (Section scheduled to be repealed on December 31, 2016)

21 Sec. 1-13. Applicability to public institutions of higher
22 education.

23 (a) This Code shall apply to public institutions of higher
24 education, regardless of the source of the funds with which
25 contracts are paid, except as provided in this Section.

1 (b) Except as provided in this Section, this Code shall not
2 apply to procurements made by or on behalf of public
3 institutions of higher education for any of the following:

4 (1) Memberships in professional, academic, research,
5 or athletic organizations on behalf of a public institution
6 of higher education, an employee of a public institution of
7 higher education, or a student at a public institution of
8 higher education.

9 (2) Procurement expenditures for events or activities
10 paid for exclusively by revenues generated by the event or
11 activity, gifts or donations for the event or activity,
12 private grants, or any combination thereof.

13 (3) Procurement expenditures for events or activities
14 for which the use of specific potential contractors is
15 mandated or identified by the sponsor of the event or
16 activity, provided that the sponsor is providing a majority
17 of the funding for the event or activity.

18 (4) Procurement expenditures necessary to provide
19 athletic, artistic or musical services, performances,
20 events, or productions ~~held at a venue operated by~~ or for a
21 public institution of higher education.

22 (5) Procurement expenditures for periodicals ~~and~~
23 books, subscriptions, database licenses, and other
24 publications procured for use by a university library or
25 academic department, except for expenditures related to
26 procuring textbooks for student use or materials for resale

1 or rental.

2 (6) Procurement expenditures for placement of students
3 in externships, practicums, field experiences, and for
4 medical residencies and rotations.

5 (7) Contracts for programming and broadcast license
6 rights for university-operated radio and television
7 stations.

8 (8) Procurement expenditures necessary to perform
9 sponsored research and other sponsored activities under
10 grants and contracts funded by the sponsor or by sources
11 other than State appropriations.

12 (9) Contracts with a foreign entity for research or
13 educational activities, provided that the foreign entity
14 either does not maintain an office in the United States or
15 is the sole source of the service or product.

16 (10) Procurement of food items for commercial resale on
17 the campus of or at a facility controlled by an institution
18 of higher education.

19 Notice of each contract entered into by a public institution of
20 higher education that is related to the procurement of goods
21 and services identified in items (1) through (10) ~~(7)~~ of this
22 subsection shall be published in the Procurement Bulletin
23 within 14 calendar days after contract execution. The Chief
24 Procurement Officer shall prescribe the form and content of the
25 notice. Each public institution of higher education shall
26 provide the Chief Procurement Officer, on a monthly basis, in

1 the form and content prescribed by the Chief Procurement
2 Officer, a report of contracts that are related to the
3 procurement of goods and services identified in this
4 subsection. At a minimum, this report shall include the name of
5 the contractor, a description of the supply or service
6 provided, the total amount of the contract, the term of the
7 contract, and the exception to the Code utilized. A copy of any
8 or all of these contracts shall be made available to the Chief
9 Procurement Officer immediately upon request. The Chief
10 Procurement Officer shall submit a report to the Governor and
11 General Assembly no later than November 1 of each year that
12 shall include, at a minimum, an annual summary of the monthly
13 information reported to the Chief Procurement Officer.

14 (b-5) Except as provided in this subsection, the provisions
15 of this Code shall not apply to contracts for medical
16 ~~FDA-regulated~~ supplies, and to contracts for medical services
17 necessary for the delivery of care and treatment at medical,
18 dental, or veterinary teaching facilities utilized by Southern
19 Illinois University or the University of Illinois and at any
20 university-operated health care center or dispensary that
21 provides care, treatment, and medications for students,
22 faculty and staff. Other supplies and services needed for these
23 teaching facilities shall be subject to the jurisdiction of the
24 Chief Procurement Officer for Public Institutions of Higher
25 Education who may establish expedited procurement procedures
26 and may waive or modify certification, contract, hearing,

1 process and registration requirements required by the Code. All
2 procurements made under this subsection shall be documented and
3 may require publication in the Illinois Procurement Bulletin.

4 (c) Procurements made by or on behalf of public
5 institutions of higher education for any of the following shall
6 be made in accordance with the requirements of this Code to the
7 extent practical as provided in this subsection:

8 (1) Contracts with a foreign entity necessary for
9 research or educational activities, provided that the
10 foreign entity either does not maintain an office in the
11 United States or is the sole source of the service or
12 product.

13 (2) (Blank).

14 (3) (Blank).

15 (4) Procurements required for fulfillment of a grant.

16 Upon the written request of a public institution of higher
17 education, the Chief Procurement Officer may waive
18 registration, certification, and hearing requirements of this
19 Code if, based on the item to be procured or the terms of a
20 grant, compliance is impractical. The public institution of
21 higher education shall provide the Chief Procurement Officer
22 with specific reasons for the waiver, including the necessity
23 of contracting with a particular potential contractor, and
24 shall certify that an effort was made in good faith to comply
25 with the provisions of this Code. The Chief Procurement Officer
26 shall provide written justification for any waivers. By

1 November 1 of each year, the Chief Procurement Officer shall
2 file a report with the General Assembly identifying each
3 contract approved with waivers and providing the justification
4 given for any waivers for each of those contracts. Notice of
5 each waiver made under this subsection shall be published in
6 the Procurement Bulletin within 14 calendar days after contract
7 execution. The Chief Procurement Officer shall prescribe the
8 form and content of the notice.

9 (d) Notwithstanding this Section, a waiver of the
10 registration requirements of Section 20-160 does not permit a
11 business entity and any affiliated entities or affiliated
12 persons to make campaign contributions if otherwise prohibited
13 by Section 50-37. The total amount of contracts awarded in
14 accordance with this Section shall be included in determining
15 the aggregate amount of contracts or pending bids of a business
16 entity and any affiliated entities or affiliated persons.

17 (e) Notwithstanding subsection (e) of Section 50-10.5 of
18 this Code, the Chief Procurement Officer, with the approval of
19 the Executive Ethics Commission, may permit a public
20 institution of higher education to accept a bid or enter into a
21 contract with a business that assisted the public institution
22 of higher education in determining whether there is a need for
23 a contract or assisted in reviewing, drafting, or preparing
24 documents related to a bid or contract, provided that the bid
25 or contract is essential to research administered by the public
26 institution of higher education and it is in the best interest

1 of the public institution of higher education to accept the bid
2 or contract. For purposes of this subsection, "business"
3 includes all individuals with whom a business is affiliated,
4 including, but not limited to, any officer, agent, employee,
5 consultant, independent contractor, director, partner,
6 manager, or shareholder of a business. The Executive Ethics
7 Commission may promulgate rules and regulations for the
8 implementation and administration of the provisions of this
9 subsection (e).

10 (f) As used in this Section:

11 "Grant" means non-appropriated funding provided by a
12 federal or private entity to support a project or program
13 administered by a public institution of higher education and
14 any non-appropriated funding provided to a sub-recipient of the
15 grant.

16 "Public institution of higher education" means Chicago
17 State University, Eastern Illinois University, Governors State
18 University, Illinois State University, Northeastern Illinois
19 University, Northern Illinois University, Southern Illinois
20 University, University of Illinois, Western Illinois
21 University, and, for purposes of this Code only, the Illinois
22 Mathematics and Science Academy.

23 (g) (Blank). ~~This Section is repealed on December 31, 2016.~~

24 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12;
25 98-1076, eff. 1-1-15.)

1 (30 ILCS 500/1-13.1 new)

2 Sec. 1-13.1. Continuation of Section 1-13 of this Code;
3 validation.

4 (a) The General Assembly finds and declares that:

5 (1) Public Act 98-1076, which took effect on January 1,
6 2015, changed the repeal date set for Section 1-13 of this
7 Code from December 31, 2014 to December 31, 2016.

8 (2) The Statute on Statutes sets forth general rules on
9 the repeal of statutes and the construction of multiple
10 amendments, but Section 1 of that Act also states that
11 these rules will not be observed when the result would be
12 "inconsistent with the manifest intent of the General
13 Assembly or repugnant to the context of the statute".

14 (3) This amendatory Act of the 99th General Assembly
15 manifests the intention of the General Assembly to remove
16 the repeal of Section 1-13 of this Code.

17 (4) Section 1-13 of this Code was originally enacted to
18 protect, promote, and preserve the general welfare. Any
19 construction of Section 1-13 of this Code that results in
20 the repeal of that Section on December 31, 2014 would be
21 inconsistent with the manifest intent of the General
22 Assembly and repugnant to the context of this Code.

23 (b) It is hereby declared to have been the intent of the
24 General Assembly that Section 1-13 of this Code not be subject
25 to repeal on December 31, 2014.

26 (c) Section 1-13 of this Code shall be deemed to have been

1 in continuous effect since December 20, 2011 (the effective
2 date of Public Act 97-643), and it shall continue to be in
3 effect henceforward until it is otherwise lawfully repealed.
4 All previously enacted amendments to Section 1-13 of this Code
5 taking effect on or after December 31, 2014, are hereby
6 validated.

7 (d) All actions taken in reliance on or pursuant to Section
8 1-13 of this Code by any public institution of higher
9 education, person, or entity are hereby validated.

10 (e) In order to ensure the continuing effectiveness of
11 Section 1-13 of this Code, it is set forth in full and
12 re-enacted by this amendatory Act of the 99th General Assembly.
13 This re-enactment is intended as a continuation of that
14 Section. It is not intended to supersede any amendment to that
15 Section that is enacted by the 99th General Assembly.

16 (f) In this amendatory Act of the 99th General Assembly,
17 the base text of the reenacted Section is set forth as amended
18 by Public Act 98-1076. Striking and underscoring is used only
19 to show changes being made to the base text. In this instance,
20 no underscoring or striking is shown in the base text because
21 no additional changes are being made.

22 (g) Section 1-13 of this Code applies to all procurements
23 made on or before the effective date of this amendatory Act of
24 the 99th General Assembly.

1 Sec. 1-15.20. Construction, ~~and~~ construction-related, and
2 construction support services. "Construction" means building,
3 altering, repairing, improving, or demolishing any public
4 structure or building, or making improvements of any kind to
5 public real property. Construction does not include the routine
6 operation, routine repair, or routine maintenance of existing
7 structures, buildings, or real property.

8 "Construction-related services" means those services
9 including construction design, layout, inspection, support,
10 feasibility or location study, research, development,
11 planning, or other investigative study undertaken by a
12 construction agency concerning construction or potential
13 construction.

14 "Construction support" means all equipment, supplies, and
15 services that are necessary to the operation of a construction
16 agency's construction program.

17 (Source: P.A. 90-572, eff. 2-6-98.)

18 (30 ILCS 500/1-15.47 new)

19 Sec. 1-15.47. Master contract. "Master contract" means a
20 definite quantity, indefinite quantity, or requirements
21 contract awarded in accordance with this Code, against which
22 subsequent orders may be placed to meet the needs of a State
23 purchasing entity. A master contract may be for use by a single
24 State purchasing entity or for multiple State purchasing
25 entities and other entities as authorized under the

1 Governmental Joint Purchasing Act.

2 (30 ILCS 500/1-15.48 new)

3 Sec. 1-15.48. Multiple award. "Multiple award" means an
4 award that is made to 2 or more bidders or offerors for similar
5 supplies, services, or construction-related services.

6 (30 ILCS 500/5-5)

7 Sec. 5-5. Procurement Policy Board.

8 (a) Creation. There is created a Procurement Policy Board,
9 an agency of the State of Illinois.

10 (b) Authority and duties. The Board shall have the
11 authority and responsibility to review, comment upon, and
12 recommend, consistent with this Code, rules and practices
13 governing the procurement, management, control, and disposal
14 of supplies, services, professional or artistic services,
15 construction, and real property and capital improvement leases
16 procured by the State. The Board shall also have the authority
17 to recommend a program for professional development and provide
18 opportunities for training in procurement practices and
19 policies to chief procurement officers and their staffs in
20 order to ensure that all procurement is conducted in an
21 efficient, professional, and appropriately transparent manner.

22 Upon a three-fifths vote of its members, the Board may
23 review a contract. Upon a three-fifths vote of its members, the
24 Board may propose procurement rules for consideration by chief

1 procurement officers. These proposals shall be published in
2 each volume of the Procurement Bulletin. Except as otherwise
3 provided by law, the Board shall act upon the vote of a
4 majority of its members who have been appointed and are
5 serving.

6 (b-5) Reviews, studies, and hearings. The Board may review,
7 study, and hold public hearings concerning the implementation
8 and administration of this Code. Each chief procurement
9 officer, State purchasing officer, procurement compliance
10 monitor, and State agency shall cooperate with the Board,
11 provide information to the Board, and be responsive to the
12 Board in the Board's conduct of its reviews, studies, and
13 hearings.

14 (c) Members. The Board shall consist of 5 members appointed
15 one each by the 4 legislative leaders and the Governor. Each
16 member shall have demonstrated sufficient business or
17 professional experience in the area of procurement to perform
18 the functions of the Board. No member may be a member of the
19 General Assembly.

20 (d) Terms. Of the initial appointees, the Governor shall
21 designate one member, as Chairman, to serve a one-year term,
22 the President of the Senate and the Speaker of the House shall
23 each appoint one member to serve 3-year terms, and the Minority
24 Leader of the House and the Minority Leader of the Senate shall
25 each appoint one member to serve 2-year terms. Subsequent terms
26 shall be 4 years. Members may be reappointed for succeeding

1 terms.

2 (e) Reimbursement. Members shall receive no compensation
3 but shall be reimbursed for any expenses reasonably incurred in
4 the performance of their duties.

5 (f) Staff support. Upon a three-fifths vote of its members,
6 the Board may employ an executive director. Subject to
7 appropriation, the Board also may employ a reasonable and
8 necessary number of staff persons.

9 (g) Meetings. Meetings of the Board may be conducted
10 telephonically, electronically, or through the use of other
11 telecommunications. Written minutes of such meetings shall be
12 created and available for public inspection and copying.

13 (h) Procurement recommendations. Upon a three-fifths vote
14 of its members, the Board may review a proposal, bid, or
15 contract and issue a recommendation to void a contract or
16 reject a proposal or bid based on any violation of this Code or
17 the existence of a conflict of interest as described in
18 subsections (b) and (d) of Section 50-35. A chief procurement
19 officer or State purchasing officer shall notify the Board if
20 an alleged conflict of interest or violation of the Code is
21 identified, discovered, or reasonably suspected to exist. Any
22 person or entity may notify the Board of an alleged conflict of
23 interest or violation of the Code. A recommendation of the
24 Board shall be delivered to the appropriate chief procurement
25 officer and Executive Ethics Commission within 7 calendar days
26 and must be published in the next volume of the Procurement

1 Bulletin. In the event that an alleged conflict of interest or
2 violation of the Code that was not originally disclosed with
3 the bid, offer, or proposal is identified and filed with the
4 Board, the Board shall provide written notice of the alleged
5 conflict of interest or violation to the bidder, offeror,
6 potential contractor, contractor, or subcontractor on that
7 contract. If the alleged conflict of interest or violation is
8 by the subcontractor, written notice shall also be provided to
9 the bidder, offeror, potential contractor, or contractor. The
10 bidder, offeror, potential contractor, contractor, or
11 subcontractor shall have 15 calendar days to provide a written
12 response to the notice, and a hearing before the Board on the
13 alleged conflict of interest or violation shall be held upon
14 request by the bidder, offeror, potential contractor,
15 contractor, or subcontractor. The requested hearing date and
16 time shall be determined by the Board, but in no event shall
17 the hearing occur later than 15 calendar days after the date of
18 the request.

19 (i) After providing notice and a hearing as required by
20 subsection (h), the Board shall refer any alleged violations of
21 this Code to the Executive Inspector General in addition to or
22 instead of issuing a recommendation to void a contract.

23 (j) Each State agency must respond promptly in writing to
24 all inquiries and comments of the Procurement Policy Board.

25 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

1 (30 ILCS 500/5-30)

2 Sec. 5-30. Proposed contracts; Procurement Policy Board.

3 (a) Except as provided in subsection (c), within 15 ~~30~~
4 calendar days after notice of the awarding or letting of a
5 contract has appeared in the Procurement Bulletin in accordance
6 with subsection (b) of Section 15-25, the Board may request in
7 writing from the contracting agency and the contracting agency
8 shall promptly, but in no event later than 7 calendar days
9 after receipt of the request, provide to the Board, by
10 electronic or other means satisfactory to the Board,
11 documentation in the possession of the contracting agency
12 concerning the proposed contract. Nothing in this subsection is
13 intended to waive or abrogate any privilege or right of
14 confidentiality authorized by law.

15 (b) No contract subject to this Section may be entered into
16 until the 15-day ~~30-day~~ period described in subsection (a) has
17 expired, unless the contracting agency requests in writing that
18 the Board waive the period and the Board grants the waiver in
19 writing.

20 (c) This Section does not apply to (i) contracts entered
21 into under this Code for small and emergency procurements as
22 those procurements are defined in Article 20 and (ii) contracts
23 for professional and artistic services that are nonrenewable,
24 one year or less in duration, and have a value of less than
25 \$20,000. If requested in writing by the Board, however, the
26 contracting agency must promptly, but in no event later than 10

1 calendar days after receipt of the request, transmit to the
2 Board a copy of the contract for an emergency procurement and
3 documentation in the possession of the contracting agency
4 concerning the contract.

5 (Source: P.A. 98-1076, eff. 1-1-15.)

6 (30 ILCS 500/10-10)

7 Sec. 10-10. Independent State purchasing officers.

8 (a) The chief procurement officer shall appoint a State
9 purchasing officer for each agency that the chief procurement
10 officer is responsible for under Section 1-15.15. A State
11 purchasing officer shall be located in the State agency that
12 the officer serves but shall report to his or her respective
13 chief procurement officer. The State purchasing officer shall
14 have direct communication with agency staff assigned to assist
15 with any procurement process. At the direction of his or her
16 respective chief procurement officer, a State purchasing
17 officer shall have the authority to (i) review each contract or
18 contract amendment prior to execution to ensure that applicable
19 procurement and contracting standards were followed, and (ii)
20 approve or reject contracts for a purchasing agency. If the
21 State purchasing officer provides written approval of the
22 contract, the head of the applicable State agency shall have
23 the authority to sign and enter into that contract. All actions
24 of a State purchasing officer are subject to review by a chief
25 procurement officer in accordance with procedures and policies

1 established by the chief procurement officer.

2 (a-5) A State purchasing officer owes a fiduciary duty to
3 the State.

4 (a-10) A State purchasing officer may: (i) attend any
5 procurement meetings; (ii) access any records or files related
6 to procurement; (iii) issue reports to the chief procurement
7 officer on procurement issues that present issues; (iv) ensure
8 the State agency is maintaining appropriate records; and (v)
9 ensure transparency of the procurement process.

10 (a-15) If a State purchasing officer is aware of
11 misconduct, waste, or inefficiency with respect to State
12 procurement, the State purchasing officer shall advise the
13 State agency of the issue in writing. If the State agency does
14 not correct the issue, the State purchasing officer shall
15 report the problem, in writing, to the chief procurement
16 officer and Inspector General.

17 (b) In addition to any other requirement or qualification
18 required by State law, within 30 months after appointment, a
19 State purchasing officer must be a Certified Professional
20 Public Buyer or a Certified Public Purchasing Officer, pursuant
21 to certification by the Universal Public Purchasing
22 Certification Council. A State purchasing officer shall serve a
23 term of 5 years beginning on the date of the officer's
24 appointment. A State purchasing officer shall have an office
25 located in the State agency that the officer serves but shall
26 report to the chief procurement officer. A State purchasing

1 officer may be removed by a chief procurement officer for cause
2 after a hearing by the Executive Ethics Commission. The chief
3 procurement officer or executive officer of the State agency
4 housing the State purchasing officer may institute a complaint
5 against the State purchasing officer by filing such a complaint
6 with the Commission and the Commission shall have a public
7 hearing based on the complaint. The State purchasing officer,
8 chief procurement officer, and executive officer of the State
9 agency shall receive notice of the hearing and shall be
10 permitted to present their respective arguments on the
11 complaint. After the hearing, the Commission shall make a
12 non-binding recommendation on whether the State purchasing
13 officer shall be removed. The salary of a State purchasing
14 officer shall be established by the chief procurement officer
15 and may not be diminished during the officer's term. In the
16 absence of an appointed State purchasing officer, the
17 applicable chief procurement officer shall exercise the
18 procurement authority created by this Code and may appoint a
19 temporary acting State purchasing officer.

20 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
21 for the effective date of changes made by P.A. 96-795); 97-895,
22 eff. 8-3-12.)

23 (30 ILCS 500/10-15)

24 Sec. 10-15. Procurement compliance monitors.

25 (a) The Executive Ethics Commission may ~~shall~~ appoint

1 procurement compliance monitors to oversee and review the
2 procurement processes. Each procurement compliance monitor
3 shall serve a term of 5 years beginning on the date of the
4 officer's appointment. Each procurement compliance monitor
5 appointed pursuant to this Section and serving a 5-year term on
6 the effective date of this Amendatory Act of the 99th General
7 Assembly, shall ~~have an office located in the State agency that~~
8 ~~the monitor serves but shall~~ report to and serve at the
9 direction of a ~~the appropriate~~ chief procurement officer in the
10 performance of procurement-related duties until the expiration
11 of the monitor's term. The compliance monitor shall have direct
12 communications with the executive officer of a State agency in
13 exercising duties. A procurement compliance monitor may be
14 removed only for cause after a hearing by the Executive Ethics
15 Commission. The appropriate chief procurement officer or
16 executive officer of the State agency housing the procurement
17 compliance monitor may institute a complaint against the
18 procurement compliance monitor with the Commission and the
19 Commission shall hold a public hearing based on the complaint.
20 The procurement compliance monitor, State purchasing officer,
21 appropriate chief procurement officer, and executive officer
22 of the State agency shall receive notice of the hearing and
23 shall be permitted to present their respective arguments on the
24 complaint. After the hearing, the Commission shall determine
25 whether the procurement compliance monitor shall be removed.
26 The salary of a procurement compliance monitor shall be

1 established by the Executive Ethics Commission and may not be
2 diminished during the officer's term.

3 (b) The procurement compliance monitor shall: (i) review
4 any procurement, contract, or contract amendment as directed by
5 the Executive Ethics Commission or a chief procurement officer;
6 and (ii) report any findings of the review, in writing, to the
7 Commission, the affected agency, the chief procurement officer
8 responsible for the affected agency, and any entity requesting
9 the review. The procurement compliance monitor may: (i) review
10 each contract or contract amendment prior to execution to
11 ensure that applicable procurement and contracting standards
12 were followed; (ii) attend any procurement meetings; (iii)
13 access any records or files related to procurement; (iv) issue
14 reports to the chief procurement officer on procurement issues
15 that present issues or that have not been corrected after
16 consultation with appropriate State officials; (v) ensure the
17 State agency is maintaining appropriate records; and (vi)
18 ensure transparency of the procurement process.

19 (c) If the procurement compliance monitor is aware of
20 misconduct, waste, or inefficiency with respect to State
21 procurement, the procurement compliance monitor shall advise
22 the State agency of the issue in writing. If the State agency
23 does not correct the issue, the monitor shall report the
24 problem, in writing, to the chief procurement officer and
25 Inspector General.

26 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793

1 for the effective date of changes made by P.A. 96-795); 97-895,
2 eff. 8-3-12.)

3 (30 ILCS 500/15-25)

4 Sec. 15-25. Bulletin content.

5 (a) Invitations for bids. Notice of each and every contract
6 that is offered, including renegotiated contracts and change
7 orders, shall be published in the applicable volume of the
8 Illinois Procurement Bulletin. ~~All businesses listed on the~~
9 ~~Department of Transportation Disadvantaged Business Enterprise~~
10 ~~Directory, the Department of Central Management Services~~
11 ~~Business Enterprise Program, and the Chief Procurement~~
12 ~~Office's Small Business Vendors Directory shall be furnished~~
13 ~~written instructions and information on how to register on each~~
14 ~~Procurement Bulletin maintained by the State. Such information~~
15 ~~shall be provided to each business within 30 calendar days~~
16 ~~after the business' notice of certification.~~ The applicable
17 chief procurement officer or applicable designated procurement
18 officer may provide ~~by rule~~ an organized format for the
19 publication of this information, but in any case it must
20 include at least the date first offered, the date submission of
21 offers is due, the location that offers are to be submitted to,
22 the purchasing ~~State~~ agency, the e-mail address and telephone
23 number of the responsible State procurement contact ~~purchasing~~
24 ~~officer~~, a brief purchase description, the method of source
25 selection, information of how to obtain a comprehensive

1 purchase description and any disclosure and contract forms, and
2 may include encouragement to potential contractors to hire
3 qualified veterans, as defined by Section 45-67 of this Code,
4 and qualified Illinois minorities, women, persons with
5 disabilities, and residents discharged from any Illinois adult
6 correctional center.

7 (a-5) All businesses listed on the Illinois Unified
8 Certification Program Disadvantaged Business Enterprise
9 Directory, the Business Enterprise Program of the Department of
10 Central Management Services, and the Small Business Vendors
11 Directory of the Department of Central Management Services
12 shall be furnished written instructions and information on how
13 to register for each volume of the Illinois Procurement
14 Bulletin. Such information shall be provided to each business
15 within 30 calendar days after the business's notice of
16 certification.

17 (b) Contracts let. Notice of each and every contract that
18 is let, including renegotiated contracts and change orders,
19 shall be issued electronically to those bidders submitting
20 responses to the solicitations, inclusive of the unsuccessful
21 bidders, immediately upon contract let. Failure of any chief
22 procurement officer to give such notice shall result in tolling
23 the time for filing a bid protest up to 7 calendar days.

24 For purposes of this subsection (b), "contracts let" means
25 a construction agency's act of advertising an invitation for
26 bids for one or more construction projects.

1 (b-5) Contracts awarded. Notice of each and every contract
2 that is awarded, including renegotiated contracts and change
3 orders, shall be issued electronically to the successful
4 responsible bidder, offeror, or contractor and published in the
5 next available subsequent Bulletin. The applicable chief
6 procurement officer may provide by rule an organized format for
7 the publication of this information, but in any case it must
8 include at least all of the information specified in subsection
9 (a) as well as the name of the successful responsible bidder,
10 offeror, the contract price, the number of unsuccessful bidders
11 or offerors and any other disclosure specified in any Section
12 of this Code. This notice must be posted in the online
13 electronic Bulletin prior to execution of the contract.

14 For purposes of this subsection (b-5), "contract award"
15 means the determination that a particular bidder or offeror has
16 been selected from among other bidders or offerors to receive a
17 contract, subject to the successful completion of final
18 negotiations. "Contract award" is evidenced by the posting of a
19 Notice of Award or a Notice of Intent to Award to the
20 respective volume of the Illinois Procurement Bulletin.

21 (c) Emergency purchase disclosure. Any chief procurement
22 officer or State purchasing officer exercising emergency
23 purchase authority under this Code shall publish a written
24 description and reasons and the total cost, if known, or an
25 estimate if unknown and the name of the responsible chief
26 procurement officer and State purchasing officer, and the

1 business or person contracted with for all emergency purchases
2 in the next timely, practicable Bulletin. This notice must be
3 posted in the online electronic Bulletin no later than 5
4 calendar days after the contract is awarded. Notice of a
5 hearing to extend an emergency contract must be posted in the
6 online electronic Procurement Bulletin no later than 14
7 calendar days prior to the hearing.

8 (c-5) Business Enterprise Program report. Each purchasing
9 agency shall, with the assistance of the applicable chief
10 procurement officer, post in the online electronic Bulletin a
11 copy of its annual report of utilization of businesses owned by
12 minorities, females, and persons with disabilities as
13 submitted to the Business Enterprise Council for Minorities,
14 Females, and Persons with Disabilities pursuant to Section 6(c)
15 of the Business Enterprise for Minorities, Females, and Persons
16 with Disabilities Act within 10 calendar days after its
17 submission of its report to the Council.

18 (c-10) Renewals. Notice of each contract renewal shall be
19 posted in the online electronic Bulletin within 14 calendar
20 days of the determination to renew the contract and the next
21 available subsequent Bulletin. The notice shall include at
22 least all of the information required in subsection (b).

23 (c-15) Sole source procurements. Before entering into a
24 sole source contract, a chief procurement officer exercising
25 sole source procurement authority under this Code shall publish
26 a written description of intent to enter into a sole source

1 contract along with a description of the item to be procured
2 and the intended sole source contractor. This notice must be
3 posted in the online electronic Procurement Bulletin before a
4 sole source contract is awarded and at least 14 calendar days
5 before the hearing required by Section 20-25.

6 (d) Other required disclosure. The applicable chief
7 procurement officer shall provide by rule for the organized
8 publication of all other disclosure required in other Sections
9 of this Code in a timely manner.

10 (e) The changes to subsections (b), (c), (c-5), (c-10), and
11 (c-15) of this Section made by this amendatory Act of the 96th
12 General Assembly apply to reports submitted, offers made, and
13 notices on contracts executed on or after its effective date.

14 (f) Each chief procurement officer shall, in consultation
15 with the agencies under his or her jurisdiction, provide the
16 Procurement Policy Board with the information and resources
17 necessary, and in a manner, to effectuate the purpose of this
18 amendatory Act of the 96th General Assembly.

19 (Source: P.A. 97-895, eff. 8-3-12; 98-1038, eff. 8-25-14;
20 98-1076, eff. 1-1-15.)

21 (30 ILCS 500/20-10)

22 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
23 and 98-1076)

24 Sec. 20-10. Competitive sealed bidding; reverse auction.

25 (a) Conditions for use. All contracts shall be awarded by

1 competitive sealed bidding except as otherwise provided in
2 Section 20-5.

3 (b) Invitation for bids. An invitation for bids shall be
4 issued and shall include a purchase description and the
5 material contractual terms and conditions applicable to the
6 procurement.

7 (c) Public notice. Public notice of the invitation for bids
8 shall be published in the Illinois Procurement Bulletin at
9 least 14 calendar days before the date set in the invitation
10 for the opening of bids.

11 (d) Bid opening. Bids shall be opened publicly in the
12 presence of one or more witnesses at the time and place
13 designated in the invitation for bids. The name of each bidder,
14 the amount of each bid, and other relevant information as may
15 be specified by rule shall be recorded. After the award of the
16 contract, the winning bid and the record of each unsuccessful
17 bid shall be open to public inspection.

18 (e) Bid acceptance and bid evaluation. Bids shall be
19 unconditionally accepted without alteration or correction,
20 except as authorized in this Code. Bids shall be evaluated
21 based on the requirements set forth in the invitation for bids,
22 which may include criteria to determine acceptability such as
23 inspection, testing, quality, workmanship, delivery, and
24 suitability for a particular purpose. Those criteria that will
25 affect the bid price and be considered in evaluation for award,
26 such as discounts, transportation costs, and total or life

1 cycle costs, shall be objectively measurable. The invitation
2 for bids shall set forth the evaluation criteria to be used.

3 (f) Correction or withdrawal of bids. Correction or
4 withdrawal of inadvertently erroneous bids before or after
5 award, or cancellation of awards of contracts based on bid
6 mistakes, shall be permitted in accordance with rules. After
7 bid opening, no changes in bid prices or other provisions of
8 bids prejudicial to the interest of the State or fair
9 competition shall be permitted. All decisions to permit the
10 correction or withdrawal of bids based on bid mistakes shall be
11 supported by written determination made by a State purchasing
12 officer.

13 (g) Award. The contract shall be awarded with reasonable
14 promptness by written notice to the lowest responsible and
15 responsive bidder whose bid meets the requirements and criteria
16 set forth in the invitation for bids, except when a State
17 purchasing officer determines it is not in the best interest of
18 the State and by written explanation determines another bidder
19 shall receive the award. The explanation shall appear in the
20 appropriate volume of the Illinois Procurement Bulletin. The
21 written explanation must include:

22 (1) a description of the agency's needs;

23 (2) a determination that the anticipated cost will be
24 fair and reasonable;

25 (3) a listing of all responsible and responsive
26 bidders; and

1 (4) the name of the bidder selected, the total contract
2 price, and the reasons for selecting that bidder.

3 When a multiple award is contemplated, the solicitation
4 shall identify the award criteria and a detailed method of
5 selecting from among the multiple awardees.

6 Each chief procurement officer may adopt guidelines to
7 implement the requirements of this subsection (g).

8 The written explanation shall be filed with the Legislative
9 Audit Commission and the Procurement Policy Board, and be made
10 available for inspection by the public, within 30 calendar days
11 after the agency's decision to award the contract.

12 (h) Multi-step sealed bidding. When it is considered
13 impracticable to initially prepare a purchase description to
14 support an award based on price, an invitation for bids may be
15 issued requesting the submission of unpriced offers to be
16 followed by written requests for sealed quotes with pricing to
17 meet the need and ~~an invitation for bids~~ limited to the pool of
18 ~~those~~ bidders whose offers have been qualified under the
19 criteria set forth in the first solicitation. An award shall be
20 made to the responsible vendor with the lowest priced quote
21 meeting the needs of the State agency. The chief procurement
22 officer may re-open the pool periodically as needed to ensure
23 reasonable competition.

24 (i) Alternative procedures. Notwithstanding any other
25 provision of this Act to the contrary, the Director of the
26 Illinois Power Agency may create alternative bidding

1 procedures to be used in procuring professional services under
2 subsection (a) of Section 1-75 and subsection (d) of Section
3 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)
4 of the Public Utilities Act and to procure renewable energy
5 resources under Section 1-56 of the Illinois Power Agency Act.
6 These alternative procedures shall be set forth together with
7 the other criteria contained in the invitation for bids, and
8 shall appear in the appropriate volume of the Illinois
9 Procurement Bulletin.

10 (j) Reverse auction. Notwithstanding any other provision
11 of this Section and in accordance with rules adopted by the
12 chief procurement officer, that chief procurement officer may
13 procure supplies or services through a competitive electronic
14 auction bidding process after the chief procurement officer
15 determines that the use of such a process will be in the best
16 interest of the State. The chief procurement officer shall
17 publish that determination in his or her next volume of the
18 Illinois Procurement Bulletin.

19 An invitation for bids shall be issued and shall include
20 (i) a procurement description, (ii) all contractual terms,
21 whenever practical, and (iii) conditions applicable to the
22 procurement, including a notice that bids will be received in
23 an electronic auction manner.

24 Public notice of the invitation for bids shall be given in
25 the same manner as provided in subsection (c).

26 Bids shall be accepted electronically at the time and in

1 the manner designated in the invitation for bids. During the
2 auction, a bidder's price shall be disclosed to other bidders.
3 Bidders shall have the opportunity to reduce their bid prices
4 during the auction. At the conclusion of the auction, the
5 record of the bid prices received and the name of each bidder
6 shall be open to public inspection.

7 After the auction period has terminated, withdrawal of bids
8 shall be permitted as provided in subsection (f).

9 The contract shall be awarded within 60 calendar days after
10 the auction by written notice to the lowest responsible bidder,
11 or all bids shall be rejected except as otherwise provided in
12 this Code. Extensions of the date for the award may be made by
13 mutual written consent of the State purchasing officer and the
14 lowest responsible bidder.

15 This subsection does not apply to (i) procurements of
16 professional and artistic services, (ii) telecommunications
17 services, communication services, and information services,
18 and (iii) contracts for construction projects, including
19 design professional services.

20 (Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;
21 98-1076, eff. 1-1-15.)

22 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
23 and 98-1076)

24 Sec. 20-10. Competitive sealed bidding; reverse auction.

25 (a) Conditions for use. All contracts shall be awarded by

1 competitive sealed bidding except as otherwise provided in
2 Section 20-5.

3 (b) Invitation for bids. An invitation for bids shall be
4 issued and shall include a purchase description and the
5 material contractual terms and conditions applicable to the
6 procurement.

7 (c) Public notice. Public notice of the invitation for bids
8 shall be published in the Illinois Procurement Bulletin at
9 least 14 calendar days before the date set in the invitation
10 for the opening of bids.

11 (d) Bid opening. Bids shall be opened publicly in the
12 presence of one or more witnesses at the time and place
13 designated in the invitation for bids. The name of each bidder,
14 the amount of each bid, and other relevant information as may
15 be specified by rule shall be recorded. After the award of the
16 contract, the winning bid and the record of each unsuccessful
17 bid shall be open to public inspection.

18 (e) Bid acceptance and bid evaluation. Bids shall be
19 unconditionally accepted without alteration or correction,
20 except as authorized in this Code. Bids shall be evaluated
21 based on the requirements set forth in the invitation for bids,
22 which may include criteria to determine acceptability such as
23 inspection, testing, quality, workmanship, delivery, and
24 suitability for a particular purpose. Those criteria that will
25 affect the bid price and be considered in evaluation for award,
26 such as discounts, transportation costs, and total or life

1 cycle costs, shall be objectively measurable. The invitation
2 for bids shall set forth the evaluation criteria to be used.

3 (f) Correction or withdrawal of bids. Correction or
4 withdrawal of inadvertently erroneous bids before or after
5 award, or cancellation of awards of contracts based on bid
6 mistakes, shall be permitted in accordance with rules. After
7 bid opening, no changes in bid prices or other provisions of
8 bids prejudicial to the interest of the State or fair
9 competition shall be permitted. All decisions to permit the
10 correction or withdrawal of bids based on bid mistakes shall be
11 supported by written determination made by a State purchasing
12 officer.

13 (g) Award. The contract shall be awarded with reasonable
14 promptness by written notice to the lowest responsible and
15 responsive bidder whose bid meets the requirements and criteria
16 set forth in the invitation for bids, except when a State
17 purchasing officer determines it is not in the best interest of
18 the State and by written explanation determines another bidder
19 shall receive the award. The explanation shall appear in the
20 appropriate volume of the Illinois Procurement Bulletin. The
21 written explanation must include:

22 (1) a description of the agency's needs;

23 (2) a determination that the anticipated cost will be
24 fair and reasonable;

25 (3) a listing of all responsible and responsive
26 bidders; and

1 (4) the name of the bidder selected, the total contract
2 price, and the reasons for selecting that bidder.

3 When a multiple award is contemplated, the solicitation
4 shall identify the award criteria and a detailed method of
5 selecting from among the multiple awardees.

6 Each chief procurement officer may adopt guidelines to
7 implement the requirements of this subsection (g).

8 The written explanation shall be filed with the Legislative
9 Audit Commission and the Procurement Policy Board, and be made
10 available for inspection by the public, within 30 days after
11 the agency's decision to award the contract.

12 (h) Multi-step sealed bidding. When it is considered
13 impracticable to initially prepare a purchase description to
14 support an award based on price, an invitation for bids may be
15 issued requesting the submission of unpriced offers to be
16 followed by written requests for sealed quotes with pricing to
17 meet the need and ~~an invitation for bids~~ limited to the pool of
18 ~~those~~ bidders whose offers have been qualified under the
19 criteria set forth in the first solicitation. An award shall be
20 made to the responsible vendor with the lowest priced quote
21 meeting the needs of the State agency. The chief procurement
22 officer may re-open the pool periodically as needed to ensure
23 reasonable competition.

24 (i) Alternative procedures. Notwithstanding any other
25 provision of this Act to the contrary, the Director of the
26 Illinois Power Agency may create alternative bidding

1 procedures to be used in procuring professional services under
2 subsection (a) of Section 1-75 and subsection (d) of Section
3 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)
4 of the Public Utilities Act and to procure renewable energy
5 resources under Section 1-56 of the Illinois Power Agency Act.
6 These alternative procedures shall be set forth together with
7 the other criteria contained in the invitation for bids, and
8 shall appear in the appropriate volume of the Illinois
9 Procurement Bulletin.

10 (j) Reverse auction. Notwithstanding any other provision
11 of this Section and in accordance with rules adopted by the
12 chief procurement officer, that chief procurement officer may
13 procure supplies or services through a competitive electronic
14 auction bidding process after the chief procurement officer
15 determines that the use of such a process will be in the best
16 interest of the State. The chief procurement officer shall
17 publish that determination in his or her next volume of the
18 Illinois Procurement Bulletin.

19 An invitation for bids shall be issued and shall include
20 (i) a procurement description, (ii) all contractual terms,
21 whenever practical, and (iii) conditions applicable to the
22 procurement, including a notice that bids will be received in
23 an electronic auction manner.

24 Public notice of the invitation for bids shall be given in
25 the same manner as provided in subsection (c).

26 Bids shall be accepted electronically at the time and in

1 the manner designated in the invitation for bids. During the
2 auction, a bidder's price shall be disclosed to other bidders.
3 Bidders shall have the opportunity to reduce their bid prices
4 during the auction. At the conclusion of the auction, the
5 record of the bid prices received and the name of each bidder
6 shall be open to public inspection.

7 After the auction period has terminated, withdrawal of bids
8 shall be permitted as provided in subsection (f).

9 The contract shall be awarded within 60 calendar days after
10 the auction by written notice to the lowest responsible bidder,
11 or all bids shall be rejected except as otherwise provided in
12 this Code. Extensions of the date for the award may be made by
13 mutual written consent of the State purchasing officer and the
14 lowest responsible bidder.

15 This subsection does not apply to (i) procurements of
16 professional and artistic services, (ii) telecommunications
17 services, communication services, and information services,
18 and (iii) contracts for construction projects, including
19 design professional services.

20 (Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;
21 98-1076, eff. 1-1-15.)

22 (30 ILCS 500/20-15)

23 Sec. 20-15. Competitive sealed proposals.

24 (a) Conditions for use. When provided under this Code or
25 under rules, or when the purchasing agency determines in

1 writing that the use of competitive sealed bidding is either
2 not practicable or not advantageous to the State, a contract
3 may be entered into by competitive sealed proposals.

4 (b) Request for proposals. Proposals shall be solicited
5 through a request for proposals.

6 (c) Public notice. Public notice of the request for
7 proposals shall be published in the Illinois Procurement
8 Bulletin at least 14 calendar days before the date set in the
9 invitation for the opening of proposals.

10 (d) Receipt of proposals. Proposals shall be opened
11 publicly in the presence of one or more witnesses at the time
12 and place designated in the request for proposals, but
13 proposals shall be opened in a manner to avoid disclosure of
14 contents to competing offerors during the process of
15 negotiation. A record of proposals shall be prepared and shall
16 be open for public inspection after contract award.

17 (e) Evaluation factors. The requests for proposals shall
18 state the relative importance of price and other evaluation
19 factors. Proposals shall be submitted in 2 parts: the first,
20 covering items except price; and the second, covering price.
21 The first part of all proposals shall be evaluated and ranked
22 independently of the second part of all proposals.

23 (f) Discussion with responsible offerors and revisions of
24 offers or proposals. As provided in the request for proposals
25 and under rules, discussions may be conducted with responsible
26 offerors who submit offers or proposals determined to be

1 reasonably susceptible of being selected for award for the
2 purpose of clarifying and assuring full understanding of and
3 responsiveness to the solicitation requirements. Those
4 offerors shall be accorded fair and equal treatment with
5 respect to any opportunity for discussion and revision of
6 proposals. Revisions may be permitted after submission and
7 before award for the purpose of obtaining best and final
8 offers. In conducting discussions there shall be no disclosure
9 of any information derived from proposals submitted by
10 competing offerors. If information is disclosed to any offeror,
11 it shall be provided to all competing offerors.

12 (g) Award. Awards shall be made to the responsible offeror
13 whose proposal is determined in writing to be the most
14 advantageous to the State, taking into consideration price and
15 the evaluation factors set forth in the request for proposals.
16 When a multiple award is contemplated, the solicitation shall
17 identify the award criteria and the detailed method of
18 selecting from among the multiple awardees. The contract file
19 shall contain the basis on which any ~~the~~ award is made.

20 (h) Multi-step sealed proposals. A request for proposals
21 may be issued requesting the submission of offers to establish
22 a pool of competitively-selected vendors to be followed by
23 written requests for specific proposals with pricing to meet
24 the need and limited to those in the pool of qualified vendors.
25 Clarification, discussions, and best and finals shall be
26 allowed as in a standard request for proposals in each step of

1 the process. Award shall be made to the responsible vendors
2 with the most advantageous proposal, price, and other factors
3 being considered. The chief procurement officer may re-open the
4 pool periodically as needed to ensure reasonable competition.

5 (Source: P.A. 98-1076, eff. 1-1-15.)

6 (30 ILCS 500/20-20)

7 Sec. 20-20. Small purchases.

8 (a) Amount. Any individual procurement of supplies or
9 services ~~other than professional or artistic services,~~ not
10 exceeding \$100,000 ~~\$10,000~~ and any procurement of construction
11 not exceeding \$100,000, or any individual procurement of
12 professional or artistic services not exceeding \$100,000
13 ~~\$30,000~~ may be made without competitive source selection ~~sealed~~
14 ~~bidding~~. Procurements shall not be artificially divided so as
15 to constitute a small purchase under this Section.

16 (b) Adjustment. Each July 1, the small purchase maximum
17 established in subsection (a) shall be adjusted for inflation
18 as determined by the Consumer Price Index for All Urban
19 Consumers as determined by the United States Department of
20 Labor and rounded to the nearest \$100.

21 (c) Based upon rules proposed by the Board and rules
22 promulgated by the chief procurement officers, the small
23 purchase maximum established in subsection (a) may be modified.

24 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

1 (30 ILCS 500/20-25)

2 Sec. 20-25. Sole source procurements.

3 (a) In accordance with standards set by rule, contracts may
4 be awarded without use of the specified method of source
5 selection when there is only one economically feasible source
6 for the item. A State contract may be awarded as a sole source
7 procurement unless an interested party submits a written
8 request for a public hearing at which the chief procurement
9 officer and purchasing agency present written justification
10 for the procurement method. Any interested party may present
11 testimony. A sole source contract where a hearing was requested
12 by an interested party may be awarded after the hearing is
13 conducted with the approval of the chief procurement officer.

14 (b) This Section may not be used as a basis for amending a
15 contract for professional or artistic services if the amendment
16 would result in an increase in the amount paid under the
17 contract of more than 5% of the initial award, or would extend
18 the contract term beyond the time reasonably needed for a
19 competitive procurement, not to exceed 2 months.

20 (c) Notice of intent to enter into a sole source contract
21 shall be provided to the Procurement Policy Board and published
22 in the online electronic Bulletin at least 14 calendar days
23 before the public hearing required in subsection (a). The
24 notice shall include the sole source procurement justification
25 form prescribed by the Board, a description of the item to be
26 procured, the intended sole source contractor, and the date,

1 time, and location of the public hearing. A copy of the notice
2 and all documents provided at the hearing shall be included in
3 the subsequent Procurement Bulletin.

4 (d) By November ~~August~~ 1 each year, each chief procurement
5 officer shall file a report with the General Assembly
6 identifying each contract the officer sought under the sole
7 source procurement method and providing the justification
8 given for seeking sole source as the procurement method for
9 each of those contracts.

10 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

11 (30 ILCS 500/20-30)

12 Sec. 20-30. Emergency purchases.

13 (a) Conditions for use. In accordance with standards set by
14 rule, a purchasing agency may make emergency procurements
15 without competitive sealed bidding or prior notice when there
16 exists a threat to public health or public safety, or when
17 immediate expenditure is necessary for repairs to State
18 property in order to protect against further loss of or damage
19 to State property, to prevent or minimize serious disruption in
20 critical State services that affect health, safety, or
21 collection of substantial State revenues, or to ensure the
22 integrity of State records; provided, however, that the term of
23 the emergency purchase shall be limited to the time reasonably
24 needed for a competitive procurement, not to exceed 90 calendar
25 days. A contract, other than a construction emergency contract,

1 may be extended beyond 90 calendar days if the chief
2 procurement officer determines additional time is necessary
3 and that the contract scope and duration are limited to the
4 emergency. Prior to execution of the extension, the chief
5 procurement officer must hold a public hearing and provide
6 written justification for all emergency contracts. Members of
7 the public may present testimony. Emergency procurements shall
8 be made with as much competition as is practicable under the
9 circumstances. A written description of the basis for the
10 emergency and reasons for the selection of the particular
11 contractor shall be included in the contract file. For
12 construction, construction-related, and construction support
13 procurements, the 90-calendar-day term and provisions for
14 contracts are not applicable.

15 (b) Notice. Notice of all emergency procurements shall be
16 provided to the Procurement Policy Board and published in the
17 online electronic Bulletin no later than 5 calendar days after
18 the contract is awarded. Notice of intent to extend an
19 emergency contract shall be provided to the Procurement Policy
20 Board and published in the online electronic Bulletin at least
21 14 calendar days before the public hearing. Notice shall
22 include at least a description of the need for the emergency
23 purchase, the contractor, and if applicable, the date, time,
24 and location of the public hearing. A copy of this notice and
25 all documents provided at the hearing shall be included in the
26 subsequent Procurement Bulletin. Before the next appropriate

1 volume of the Illinois Procurement Bulletin, the purchasing
2 agency shall publish in the Illinois Procurement Bulletin a
3 copy of each written description and reasons and the total cost
4 of each emergency procurement made during the previous month.
5 When only an estimate of the total cost is known at the time of
6 publication, the estimate shall be identified as an estimate
7 and published. When the actual total cost is determined, it
8 shall also be published in like manner before the 10th day of
9 the next succeeding month.

10 (c) Affidavits. A chief procurement officer making a
11 procurement under this Section shall file or require the
12 purchasing agency to file affidavits with the Procurement
13 Policy Board and the Auditor General within 10 calendar days
14 after the procurement setting forth the amount expended, the
15 name of the contractor involved, and the conditions and
16 circumstances requiring the emergency procurement. When only
17 an estimate of the cost is available within 10 calendar days
18 after the procurement, the actual cost shall be reported
19 immediately after it is determined. At the end of each fiscal
20 quarter, the Auditor General shall file with the Legislative
21 Audit Commission and the Governor a complete listing of all
22 emergency procurements reported during that fiscal quarter.
23 The Legislative Audit Commission shall review the emergency
24 procurements so reported and, in its annual reports, advise the
25 General Assembly of procurements that appear to constitute an
26 abuse of this Section.

1 (d) Quick purchases. The chief procurement officer may
2 promulgate rules extending the circumstances by which a
3 purchasing agency may make purchases under this Section,
4 including but not limited to the procurement of items available
5 at a discount for a limited period of time.

6 (e) The changes to this Section made by this amendatory Act
7 of the 96th General Assembly apply to procurements executed on
8 or after its effective date.

9 (Source: P.A. 98-1076, eff. 1-1-15.)

10 (30 ILCS 500/20-43)

11 Sec. 20-43. Bidder or offeror authorized to transact
12 business or conduct affairs ~~do business~~ in Illinois. In
13 addition to meeting any other requirement of law or rule, a
14 person (other than an individual acting as a sole proprietor)
15 may qualify as a bidder or offeror under this Code only if the
16 person is a legal entity prior to submitting the bid, offer, or
17 proposal. The legal entity must be authorized to transact
18 business or conduct affairs in Illinois prior to execution of
19 the contract ~~submitting the bid, offer, or proposal.~~

20 (Source: P.A. 98-1076, eff. 1-1-15.)

21 (30 ILCS 500/20-51 new)

22 Sec. 20-51. Construction specifications.

23 (a) Construction agencies may develop specifications for
24 construction contracts, construction-related contracts, and

1 construction support contracts that may require the delivery of
2 material or products that will be used to satisfy the needs of
3 a construction agency.

4 (b) Material and product specifications. "Material and
5 product specifications" means the technical or performance
6 requirements necessary to complete the contemplated work.

7 (c) Brand-name only product specifications, including
8 patented or proprietary products, will not be used unless a
9 determination is made by the construction agency, in
10 concurrence with the chief procurement officer, that:

11 (1) such problems may be procured competitively with
12 equally suitable non-brand-name products;

13 (2) such products are necessary for compatibility with
14 existing facilities or equipment;

15 (3) no equally suitable alternative exists;

16 (4) such products are to be used for research or for a
17 distinctive type of application for experimental purposes;

18 or

19 (5) such products will create operational savings for a
20 facility.

21 (d) When more than one product will fulfill the
22 requirements for an item of work and the products are judged by
23 the construction agency to be of satisfactory quality and
24 equally acceptable on the basis of engineering analysis and
25 estimated price, the contract specifications may contain or
26 include by reference a qualified product list.

1 (30 ILCS 500/20-155)

2 Sec. 20-155. Solicitation and contract documents.

3 (a) Each chief procurement officer appointed pursuant to
4 Section 10-20 shall have the sole authority in their respective
5 jurisdiction to develop and distribute uniform documents for
6 the solicitation, review, and acceptance of all bids, offers,
7 and responses and the award of contracts pursuant to this Code.
8 If a chief procurement officer appointed pursuant to Section
9 10-20 exercises the authority to develop and distribute uniform
10 documents for the solicitation, review and acceptance of all
11 bids, offers and responses and the award of contracts, then the
12 State agency shall use the uniform documents.

13 (b) After award of a contract and subject to provisions of
14 the Freedom of Information Act, the procuring agency shall make
15 available for public inspection and copying all pre-award,
16 post-award, administration, and close-out documents relating
17 to that particular contract. Publication of a notice of award
18 to the respective chief procurement officer's volume of the
19 Illinois Procurement Bulletin shall constitute the award or
20 final selection for purposes of paragraph (h) of subsection (1)
21 of Section 7 of the Freedom of Information Act.

22 (c) A procurement file shall be maintained for all
23 contracts, regardless of the method of procurement. The
24 procurement file shall contain the basis on which the award is
25 made, all submitted bids and proposals, all evaluation

1 materials including individual evaluators' 7 score sheets and
2 all other documentation related to or prepared in conjunction
3 with evaluation, negotiation, and the award process. The
4 procurement file shall contain a written determination, signed
5 by the chief procurement officer or State purchasing officer,
6 setting forth the reasoning for the contract award decision.
7 The procurement file shall not include trade secrets or other
8 competitively sensitive, confidential, or proprietary
9 information. The procurement file shall be open to public
10 inspection within 7 calendar days following the publication of
11 the notice of award of the contract.

12 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

13 (30 ILCS 500/20-160)

14 Sec. 20-160. Business entities; certification;
15 registration with the State Board of Elections.

16 (a) For purposes of this Section, the terms "business
17 entity", "contract", "State contract", "contract with a State
18 agency", "State agency", "affiliated entity", and "affiliated
19 person" have the meanings ascribed to those terms in Section
20 50-37.

21 (b) Every bid and offer submitted to and every contract
22 executed by the State on or after January 1, 2009 (the
23 effective date of Public Act 95-971) and every submission to a
24 vendor portal shall contain (1) a certification by the bidder,
25 offeror, vendor, or contractor that either (i) the bidder,

1 offeror, vendor, or contractor is not required to register as a
2 business entity with the State Board of Elections pursuant to
3 this Section or (ii) the bidder, offeror, vendor, or contractor
4 has registered as a business entity with the State Board of
5 Elections and acknowledges a continuing duty to update the
6 registration and (2) a statement that the contract is voidable
7 under Section 50-60 for the bidder's, offeror's, vendor's, or
8 contractor's failure to comply with this Section.

9 (c) Each business entity (i) whose aggregate bids and
10 proposals on State contracts annually total more than \$50,000,
11 (ii) whose aggregate bids and proposals on State contracts
12 combined with the business entity's aggregate annual total
13 value of State contracts exceed \$50,000, or (iii) whose
14 contracts with State agencies, in the aggregate, annually total
15 more than \$50,000 shall register with the State Board of
16 Elections in accordance with Section 9-35 of the Election Code.
17 A business entity required to register under this subsection
18 due to item (i) or (ii) has a continuing duty to ensure that
19 the registration is accurate during the period beginning on the
20 date of registration and ending on the day after the date the
21 contract is awarded; any change in information must be reported
22 to the State Board of Elections 5 business days following such
23 change or no later than a day before the contract is awarded,
24 whichever date is earlier. A business entity required to
25 register under this subsection due to item (iii) has a
26 continuing duty to ensure that the registration is accurate in

1 accordance with subsection (e).

2 (d) Any business entity, not required under subsection (c)
3 to register, whose aggregate bids and proposals on State
4 contracts annually total more than \$50,000, or whose aggregate
5 bids and proposals on State contracts combined with the
6 business entity's aggregate annual total value of State
7 contracts exceed \$50,000, shall register with the State Board
8 of Elections in accordance with Section 9-35 of the Election
9 Code prior to submitting to a State agency the bid or proposal
10 whose value causes the business entity to fall within the
11 monetary description of this subsection. A business entity
12 required to register under this subsection has a continuing
13 duty to ensure that the registration is accurate during the
14 period beginning on the date of registration and ending on the
15 day after the date the contract is awarded. Any change in
16 information must be reported to the State Board of Elections
17 within 5 business days following such change or no later than a
18 day before the contract is awarded, whichever date is earlier.

19 (e) A business entity whose contracts with State agencies,
20 in the aggregate, annually total more than \$50,000 must
21 maintain its registration under this Section and has a
22 continuing duty to ensure that the registration is accurate for
23 the duration of the term of office of the incumbent
24 officeholder awarding the contracts or for a period of 2 years
25 following the expiration or termination of the contracts,
26 whichever is longer. A business entity, required to register

1 under this subsection, has a continuing duty to report any
2 changes on a quarterly basis to the State Board of Elections
3 within 14 calendar days following the last day of January,
4 April, July, and October of each year. Any update pursuant to
5 this paragraph that is received beyond that date is presumed
6 late and the civil penalty authorized by subsection (e) of
7 Section 9-35 of the Election Code (10 ILCS 5/9-35) may be
8 assessed.

9 Also, if a business entity required to register under this
10 subsection has a pending bid or offer, any change in
11 information shall be reported to the State Board of Elections
12 within 7 calendar days following such change or no later than a
13 day before the contract is awarded, whichever date is earlier.

14 (f) A business entity's continuing duty under this Section
15 to ensure the accuracy of its registration includes the
16 requirement that the business entity notify the State Board of
17 Elections of any change in information, including but not
18 limited to changes of affiliated entities or affiliated
19 persons.

20 (g) For any bid or offer for a contract with a State agency
21 by a business entity required to register under this Section,
22 the chief procurement officer shall verify that the business
23 entity is required to register under this Section and is in
24 compliance with the registration requirements on the date the
25 bid or offer is due. A chief procurement officer shall not
26 accept a bid or offer if the business entity is not in

1 compliance with the registration requirements as of the date
2 bids or offers are due. Upon discovery of noncompliance with
3 this Section, if the bidder or offeror made a good faith effort
4 to comply with registration efforts prior to the date the bid
5 or offer is due, a chief procurement officer may provide the
6 bidder or offeror 5 business days to achieve compliance. A
7 chief procurement officer may extend the time to prove
8 compliance by as long as necessary in the event that there is a
9 failure within the State Board of Elections's registration
10 system.

11 (h) A registration, and any changes to a registration, must
12 include the business entity's verification of accuracy and
13 subjects the business entity to the penalties of the laws of
14 this State for perjury.

15 In addition to any penalty under Section 9-35 of the
16 Election Code, intentional, willful, or material failure to
17 disclose information required for registration shall render
18 the contract, bid, offer, or other procurement relationship
19 voidable by the chief procurement officer if he or she deems it
20 to be in the best interest of the State of Illinois.

21 (i) This Section applies regardless of the method of source
22 selection used in awarding the contract.

23 (Source: P.A. 97-333, eff. 8-12-11; 97-895, eff. 8-3-12;
24 98-1076, eff. 1-1-15.)

1 Sec. 20-170. Special Committee on Procurement Efficiency
2 and Illinois Preference in Purchasing.

3 (a) The Special Committee on Procurement Efficiency and
4 Illinois Preference in Purchasing is hereby created under the
5 Executive Ethics Commission. The Special Committee shall
6 consist of the following members:

7 (1) three members appointed by the President of the
8 Senate, only one of whom may be a current member of the
9 Senate;

10 (2) three members appointed by the Minority Leader of
11 the Senate, only one of whom may be a current member of the
12 Senate;

13 (3) three members appointed by the Speaker of the House
14 of Representatives, only one of whom may be a current
15 member of the House;

16 (4) three members appointed by the Minority Leader of
17 the House, only one of whom may be a current member of the
18 House;

19 (5) the Director of Central Management Services or his
20 or her designee;

21 (6) the Chief Procurement Officer for the Department of
22 Transportation;

23 (7) the Chief Procurement Officer with jurisdiction
24 over institutions of higher education; and

25 (8) the Executive Director of the Capital Development
26 Board.

1 (b) Members of the Special Committee must be appointed no
2 later than 30 days after the effective date of this amendatory
3 Act of the 99th General Assembly.

4 (c) If a vacancy occurs on the Special Committee, it shall
5 be filled according to the guidelines of the initial
6 appointment.

7 (d) The Special Committee shall elect a chairperson and
8 vice-chairperson at the first meeting of the Special Committee.
9 At the discretion of the chairperson, additional individuals
10 may participate as non-voting members in the meetings of the
11 Special Committee.

12 (e) Members of the Special Committee shall serve without
13 compensation. The Executive Ethics Commission shall provide
14 staff and administrative services to the Special Committee.

15 (f) The Special Committee shall conduct at least 3 hearings
16 with at least one in Springfield and one in Chicago. Each
17 hearing shall be open to the public and notice of such hearings
18 shall be posted on the websites of the Procurement Policy
19 Board, the Department of Central Management Services, and the
20 General Assembly at least 6 days prior to the hearing.

21 (g) The Special Committee on Procurement Efficiency and
22 Illinois Preference in Purchasing shall:

23 (1) review the current procurement process in Illinois
24 to determine what inefficiencies currently exist in the State
25 procurement process and propose legislation to reduce
26 inefficiencies while protecting State funds, ethics, and

1 transparency; and

2 (2) review Illinois' resident bidder preference laws
3 and propose legislation aimed at strengthening Illinois'
4 resident bidder preference laws while not harming resident
5 bidders who do business in other states.

6 (h) The Special Committee shall make its findings and
7 recommendations to the General Assembly and to the Governor,
8 including legislative proposals, no later than December 31,
9 2016.

10 (i) This Section is repealed on January 31, 2017.

11 (30 ILCS 500/25-85 new)

12 Sec. 25-85. Best value procurement.

13 (a) This Section shall apply only to:

14 (1) institutions of higher education;

15 (2) the Department of Agriculture;

16 (3) the Department of Transportation; and

17 (4) the Department of Natural Resources.

18 (b) As used in this Section, "best value procurement" means
19 a contract award determined by objective criteria related to
20 price, features, functions, and life-cycle costs that may
21 include the following:

22 (1) total cost of ownership, including warranty, under
23 which all repair costs are borne solely by the warranty
24 provider; repair costs; maintenance costs; fuel
25 consumption; and salvage value;

1 (2) product performance, productivity, and safety
2 standards;

3 (3) the supplier's ability to perform to the contract
4 requirements; and

5 (4) environmental benefits, including reduction of
6 greenhouse gas emissions, reduction of air pollutant
7 emissions, or reduction of toxic or hazardous materials.

8 (c) The department or institution may purchase and equip
9 heavy mobile fleet vehicles and special equipment for use by
10 the department or institution by means of best value
11 procurement, using specifications and criteria developed in
12 consultation with the Chief Procurement Officer of each
13 designated department or institution.

14 (d) In addition to disclosure of the minimum requirements
15 for qualification, the solicitation document shall specify
16 which business performance measures, in addition to price,
17 shall be given a weighted value. The department or institution
18 shall use a scoring method based on those factors and price in
19 determining the successful bid. Any evaluation and scoring
20 method shall ensure substantial weight is given to the contract
21 price. The solicitation document shall provide for submission
22 of sealed price information. Evaluation of all criteria other
23 than price shall be completed before the opening of price
24 information.

25 (e) Upon written request of any bidder who has submitted a
26 bid, notice of the proposed award shall be posted in a public

1 place in the offices of the department or institution at least
2 24 hours before awarding the contract or purchase order. If,
3 before making an award, any bidder who has submitted a bid
4 files a protest with the department or institution against the
5 awarding of the contract or purchase order on the ground that
6 his or her bid should have been selected in accordance with the
7 selection criteria in the solicitation document, the contract
8 or purchase order shall not be awarded until either the protest
9 has been withdrawn or the Executive Ethics Commission has made
10 a final decision as to the action to be taken relative to the
11 protest. Within 10 days after filing a protest, the protesting
12 bidder shall file with the Executive Ethics Commission a full
13 and complete written statement specifying in detail the ground
14 of the protest and the facts in support thereof.

15 (f) The total value of vehicles and equipment purchased
16 through best value procurement pursuant to this Section shall
17 be limited to \$20,000,000 annually.

18 (g) Best value procurement shall only be used on purchases
19 made prior to June 30, 2019.

20 (h) On or before January 1, 2020, the Chief Procurement
21 Officer of each designated department or institution shall
22 prepare an evaluation of the best value procurement pilot
23 authorized by this Section, including a recommendation on
24 whether or not the process should be continued. The evaluation
25 shall be posted on the Illinois Procurement Gateway on or
26 before January 1, 2020.

1 (i) This Section is repealed on January 1, 2020.

2 (30 ILCS 500/35-5)

3 Sec. 35-5. Application. All professional and artistic
4 services may ~~shall~~ be procured in accordance with the
5 provisions of this Article or Article 20.

6 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

7 (30 ILCS 500/35-30)

8 Sec. 35-30. Awards.

9 (a) All State contracts for professional and artistic
10 services procured under this Article, ~~except as provided in~~
11 ~~this Section~~, shall be awarded using the competitive request
12 for proposal process outlined in this Section.

13 (b) For each contract offered, the chief procurement
14 officer, State purchasing officer, or his or her designee shall
15 use the appropriate standard solicitation forms available from
16 the chief procurement officer for matters other than
17 construction or the higher education chief procurement
18 officer. When a multiple award is contemplated, the
19 solicitation shall identify the award criteria and the detailed
20 method of selecting from among the multiple awardees.

21 (c) Prepared forms shall be submitted to the chief
22 procurement officer for matters other than construction or the
23 higher education chief procurement officer, whichever is
24 appropriate, for publication in its Illinois Procurement

1 Bulletin and circulation to the chief procurement officer for
2 matters other than construction or the higher education chief
3 procurement officer's list of prequalified vendors. Notice of
4 the offer or request for proposal shall appear at least 14
5 calendar days before the response to the offer is due.

6 (d) All interested respondents shall return their
7 responses to the location and by the time and date designated
8 in the solicitation, at which time the responses shall be
9 opened and recorded ~~chief procurement officer for matters other~~
10 ~~than construction or the higher education chief procurement~~
11 ~~officer, whichever is appropriate, which shall open and record~~
12 ~~them. The chief procurement officer for matters other than~~
13 ~~construction or higher education chief procurement officer~~
14 ~~then shall forward the responses, together with any information~~
15 ~~it has available about the qualifications and other State work~~
16 ~~of the respondents.~~

17 (e) After evaluation, ranking, and selection, the
18 responsible chief procurement officer, State purchasing
19 officer, or his or her designee shall ~~notify the chief~~
20 ~~procurement officer for matters other than construction or the~~
21 ~~higher education chief procurement officer, whichever is~~
22 ~~appropriate, of the successful respondent and shall forward a~~
23 ~~copy of the signed contract for the chief procurement officer~~
24 ~~for matters other than construction or higher education chief~~
25 ~~procurement officer's file. The chief procurement officer for~~
26 ~~matters other than construction or higher education chief~~

1 ~~procurement officer shall~~ publish the names of the responsible
2 procurement decision-maker, the agency awarding ~~letting~~ the
3 contract, the successful respondent, a contract reference, and
4 value of the awarded ~~let~~ contract in the next appropriate
5 volume of the Illinois Procurement Bulletin.

6 (f) For all professional and artistic contracts procured
7 under this Article ~~with annualized value that exceeds \$25,000,~~
8 evaluation and ranking by price are required. Any chief
9 procurement officer or State purchasing officer, but not their
10 designees, may select a respondent other than the lowest
11 respondent by price. When ~~In any case, when the contract~~
12 ~~exceeds the \$25,000 threshold and the lowest respondent is not~~
13 ~~selected, the chief procurement officer or the State purchasing~~
14 ~~officer shall~~ publish the ~~forward together with the contract~~
15 ~~notice of who the low respondent by price was and a written~~
16 ~~decision as to why another was selected~~ as part of the notice
17 of award ~~to the chief procurement officer for matters other~~
18 ~~than construction or the higher education chief procurement~~
19 ~~officer, whichever is appropriate. The chief procurement~~
20 ~~officer for matters other than construction or higher education~~
21 ~~chief procurement officer shall publish as provided in~~
22 ~~subsection (c) of Section 35-30, but shall include notice of~~
23 ~~the chief procurement officer's or State purchasing officer's~~
24 ~~written decision.~~

25 (g) The chief procurement officer for matters other than
26 construction and higher education chief procurement officer

1 may each refine, but not contradict, this Section by
2 promulgating rules for submission to the Procurement Policy
3 Board and then to the Joint Committee on Administrative Rules.
4 Any refinement shall be based on the principles and procedures
5 of the federal Architect-Engineer Selection Law, Public Law
6 92-582 Brooks Act, and the Architectural, Engineering, and Land
7 Surveying Qualifications Based Selection Act; except that
8 pricing shall be an integral part of the selection process.

9 (h) A request for proposals may be issued requesting the
10 submission of offers to establish a competitively-selected
11 pool of the most qualified vendors. When a specific need is
12 identified, written requests for proposals will be directed to
13 the pool of most qualified vendors to meet that need.
14 Clarification, discussion, and best and finals shall be allowed
15 as in a standard request for proposals in each step of the
16 process. The contract for the need shall be made to the most
17 qualified vendor with a fair and reasonable price. The chief
18 procurement officer may re-open the pool periodically as needed
19 to ensure reasonable competition.

20 (Source: P.A. 98-1076, eff. 1-1-15.)

21 (30 ILCS 500/45-30)

22 Sec. 45-30. Illinois Correctional Industries.
23 Notwithstanding anything to the contrary in other law, each the
24 chief procurement officer appointed pursuant to paragraph (4)
25 of subsection (a) of Section 10-20 shall, in consultation with

1 Illinois Correctional Industries, a division of the Illinois
2 Department of Corrections (referred to as the "Illinois
3 Correctional Industries" or "ICI") determine for all State
4 agencies under their respective jurisdictions which articles,
5 materials, industry related services, food stuffs, and
6 finished goods that are produced or manufactured by persons
7 confined in institutions and facilities of the Department of
8 Corrections who are participating in Illinois Correctional
9 Industries programs shall be purchased from Illinois
10 Correctional Industries. Each ~~The~~ chief procurement officer
11 appointed pursuant to ~~paragraph (4) of subsection (a) of~~
12 Section 10-20 shall develop and distribute to the appropriate
13 ~~various~~ purchasing and using agencies a listing of all Illinois
14 Correctional Industries products and procedures for
15 implementing this Section.

16 (Source: P.A. 98-1076, eff. 1-1-15.)

17 (30 ILCS 500/45-45)

18 Sec. 45-45. Small businesses.

19 (a) Set-asides. Each chief procurement officer has
20 authority to designate as small business set-asides a fair
21 proportion of construction, supply, and service contracts for
22 award to small businesses in Illinois. Advertisements for bids
23 or offers for those contracts shall specify designation as
24 small business set-asides. In awarding the contracts, only bids
25 or offers from qualified small businesses shall be considered.

1 (b) Small business. "Small business" means a business that
2 is independently owned and operated and that is not dominant in
3 its field of operation. The chief procurement officer shall
4 establish a detailed definition by rule, using in addition to
5 the foregoing criteria other criteria, including the number of
6 employees and the dollar volume of business. When computing the
7 size status of a potential contractor, annual sales and
8 receipts of the potential contractor and all of its affiliates
9 shall be included. The maximum number of employees and the
10 maximum dollar volume that a small business may have under the
11 rules promulgated by the chief procurement officer may vary
12 from industry to industry to the extent necessary to reflect
13 differing characteristics of those industries, subject to the
14 following limitations:

15 (1) No wholesale business is a small business if its
16 annual sales for its most recently completed fiscal year
17 exceed \$13,000,000.

18 (2) No retail business or business selling services is
19 a small business if its annual sales and receipts exceed
20 \$8,000,000.

21 (3) No manufacturing business is a small business if it
22 employs more than 250 persons.

23 (4) No construction business is a small business if its
24 annual sales and receipts exceed \$14,000,000.

25 (c) Fair proportion. For the purpose of subsection (a), for
26 State agencies of the executive branch, a fair proportion of

1 construction contracts shall be no less than 25% nor more than
2 40% of the annual total contracts for construction.

3 (d) Withdrawal of designation. A small business set-aside
4 designation may be withdrawn by the purchasing agency when
5 deemed in the best interests of the State. Upon withdrawal, all
6 bids or offers shall be rejected, and the bidders or offerors
7 shall be notified of the reason for rejection. The contract
8 shall then be awarded in accordance with this Code without the
9 designation of small business set-aside.

10 (e) Small business specialist. The chief procurement
11 officer shall designate an individual ~~a State purchasing~~
12 ~~officer who will be responsible for engaging an experienced~~
13 ~~contract negotiator~~ to serve as its small business specialist.
14 The small business specialists shall collectively work
15 together to accomplish the following duties, ~~whose duties shall~~
16 ~~include:~~

17 (1) Compiling and maintaining a comprehensive list of
18 potential small contractors. In this duty, he or she shall
19 cooperate with the Federal Small Business Administration
20 in locating potential sources for various products and
21 services.

22 (2) Assisting small businesses in complying with the
23 procedures for bidding on State contracts.

24 (3) Examining requests from State agencies for the
25 purchase of property or services to help determine which
26 invitations to bid are to be designated small business

1 set-asides.

2 (4) Making recommendations to the chief procurement
3 officer for the simplification of specifications and terms
4 in order to increase the opportunities for small business
5 participation.

6 (5) Assisting in investigations by purchasing agencies
7 to determine the responsibility of bidders or offerors on
8 small business set-asides.

9 (f) Small business annual report. Each small business
10 specialist ~~The State purchasing officer~~ designated under
11 subsection (e) shall annually before December 1 report in
12 writing to the General Assembly concerning the awarding of
13 contracts to small businesses. The report shall include the
14 total value of awards made in the preceding fiscal year under
15 the designation of small business set-aside. The report shall
16 also include the total value of awards made to businesses owned
17 by minorities, females, and persons with disabilities, as
18 defined in the Business Enterprise for Minorities, Females, and
19 Persons with Disabilities Act, in the preceding fiscal year
20 under the designation of small business set-aside.

21 The requirement for reporting to the General Assembly shall
22 be satisfied by filing copies of the report as required by
23 Section 3.1 of the General Assembly Organization Act.

24 (Source: P.A. 98-1076, eff. 1-1-15.)

25 (30 ILCS 500/45-57)

1 Sec. 45-57. Veterans.

2 (a) Set-aside goal. It is the goal of the State to promote
3 and encourage the continued economic development of small
4 businesses owned and controlled by qualified veterans and that
5 qualified service-disabled veteran-owned small businesses
6 (referred to as SDVOSB) and veteran-owned small businesses
7 (referred to as VOSB) participate in the State's procurement
8 process as both prime contractors and subcontractors. Not less
9 than 3% of the total dollar amount of State contracts, as
10 defined by the Director of Central Management Services, shall
11 be established as a goal to be awarded to SDVOSB and VOSB. That
12 portion of a contract under which the contractor subcontracts
13 with a SDVOSB or VOSB may be counted toward the goal of this
14 subsection. The Department of Central Management Services
15 shall adopt rules to implement compliance with this subsection
16 by all State agencies.

17 (b) Fiscal year reports. By each ~~November~~ September 1, each
18 chief procurement officer shall report to the Department of
19 Central Management Services on all of the following for the
20 immediately preceding fiscal year, and by each March 1 the
21 Department of Central Management Services shall compile and
22 report that information to the General Assembly:

23 (1) The total number of VOSB, and the number of SDVOSB,
24 who submitted bids for contracts under this Code.

25 (2) The total number of VOSB, and the number of SDVOSB,
26 who entered into contracts with the State under this Code

1 and the total value of those contracts.

2 (c) Yearly review and recommendations. Each year, each
3 chief procurement officer shall review the progress of all
4 State agencies under its jurisdiction in meeting the goal
5 described in subsection (a), with input from statewide
6 veterans' service organizations and from the business
7 community, including businesses owned by qualified veterans,
8 and shall make recommendations to be included in the Department
9 of Central Management Services' report to the General Assembly
10 regarding continuation, increases, or decreases of the
11 percentage goal. The recommendations shall be based upon the
12 number of businesses that are owned by qualified veterans and
13 on the continued need to encourage and promote businesses owned
14 by qualified veterans.

15 (d) Governor's recommendations. To assist the State in
16 reaching the goal described in subsection (a), the Governor
17 shall recommend to the General Assembly changes in programs to
18 assist businesses owned by qualified veterans.

19 (e) Definitions. As used in this Section:

20 "Armed forces of the United States" means the United States
21 Army, Navy, Air Force, Marine Corps, Coast Guard, or service in
22 active duty as defined under 38 U.S.C. Section 101. Service in
23 the Merchant Marine that constitutes active duty under Section
24 401 of federal Public Act 95-202 shall also be considered
25 service in the armed forces for purposes of this Section.

26 "Certification" means a determination made by the Illinois

1 Department of Veterans' Affairs and the Department of Central
2 Management Services that a business entity is a qualified
3 service-disabled veteran-owned small business or a qualified
4 veteran-owned small business for whatever purpose. A SDVOSB or
5 VOSB owned and controlled by females, minorities, or persons
6 with disabilities, as those terms are defined in Section 2 of
7 the Business Enterprise for Minorities, Females, and Persons
8 with Disabilities Act, may also select and designate whether
9 that business is to be certified as a "female-owned business",
10 "minority-owned business", or "business owned by a person with
11 a disability", as defined in Section 2 of the Business
12 Enterprise for Minorities, Females, and Persons with
13 Disabilities Act.

14 "Control" means the exclusive, ultimate, majority, or sole
15 control of the business, including but not limited to capital
16 investment and all other financial matters, property,
17 acquisitions, contract negotiations, legal matters,
18 officer-director-employee selection and comprehensive hiring,
19 operation responsibilities, cost-control matters, income and
20 dividend matters, financial transactions, and rights of other
21 shareholders or joint partners. Control shall be real,
22 substantial, and continuing, not pro forma. Control shall
23 include the power to direct or cause the direction of the
24 management and policies of the business and to make the
25 day-to-day as well as major decisions in matters of policy,
26 management, and operations. Control shall be exemplified by

1 possessing the requisite knowledge and expertise to run the
2 particular business, and control shall not include simple
3 majority or absentee ownership.

4 "Qualified service-disabled veteran" means a veteran who
5 has been found to have 10% or more service-connected disability
6 by the United States Department of Veterans Affairs or the
7 United States Department of Defense.

8 "Qualified service-disabled veteran-owned small business"
9 or "SDVOSB" means a small business (i) that is at least 51%
10 owned by one or more qualified service-disabled veterans living
11 in Illinois or, in the case of a corporation, at least 51% of
12 the stock of which is owned by one or more qualified
13 service-disabled veterans living in Illinois; (ii) that has its
14 home office in Illinois; and (iii) for which items (i) and (ii)
15 are factually verified annually by the Department of Central
16 Management Services.

17 "Qualified veteran-owned small business" or "VOSB" means a
18 small business (i) that is at least 51% owned by one or more
19 qualified veterans living in Illinois or, in the case of a
20 corporation, at least 51% of the stock of which is owned by one
21 or more qualified veterans living in Illinois; (ii) that has
22 its home office in Illinois; and (iii) for which items (i) and
23 (ii) are factually verified annually by the Department of
24 Central Management Services.

25 "Service-connected disability" means a disability incurred
26 in the line of duty in the active military, naval, or air

1 service as described in 38 U.S.C. 101(16).

2 "Small business" means a business that has annual gross
3 sales of less than \$75,000,000 as evidenced by the federal
4 income tax return of the business. A firm with gross sales in
5 excess of this cap may apply to the Department of Central
6 Management Services for certification for a particular
7 contract if the firm can demonstrate that the contract would
8 have significant impact on SDVOSB or VOSB as suppliers or
9 subcontractors or in employment of veterans or
10 service-disabled veterans.

11 "State agency" has the meaning provided in Section 1-15.100
12 of this Code. ~~same meaning as in Section 2 of the Business~~
13 ~~Enterprise for Minorities, Females, and Persons with~~
14 ~~Disabilities Act.~~

15 "Time of hostilities with a foreign country" means any
16 period of time in the past, present, or future during which a
17 declaration of war by the United States Congress has been or is
18 in effect or during which an emergency condition has been or is
19 in effect that is recognized by the issuance of a Presidential
20 proclamation or a Presidential executive order and in which the
21 armed forces expeditionary medal or other campaign service
22 medals are awarded according to Presidential executive order.

23 "Veteran" means a person who (i) has been a member of the
24 armed forces of the United States or, while a citizen of the
25 United States, was a member of the armed forces of allies of
26 the United States in time of hostilities with a foreign country

1 and (ii) has served under one or more of the following
2 conditions: (a) the veteran served a total of at least 6
3 months; (b) the veteran served for the duration of hostilities
4 regardless of the length of the engagement; (c) the veteran was
5 discharged on the basis of hardship; or (d) the veteran was
6 released from active duty because of a service connected
7 disability and was discharged under honorable conditions.

8 (f) Certification program. The Illinois Department of
9 Veterans' Affairs and the Department of Central Management
10 Services shall work together to devise a certification
11 procedure to assure that businesses taking advantage of this
12 Section are legitimately classified as qualified
13 service-disabled veteran-owned small businesses or qualified
14 veteran-owned small businesses.

15 (g) Penalties.

16 (1) Administrative penalties. The chief procurement
17 officers appointed pursuant to Section 10-20 shall suspend
18 any person who commits a violation of Section 17-10.3 or
19 subsection (d) of Section 33E-6 of the Criminal Code of
20 2012 relating to this Section from bidding on, or
21 participating as a contractor, subcontractor, or supplier
22 in, any State contract or project for a period of not less
23 than 3 years, and, if the person is certified as a
24 service-disabled veteran-owned small business or a
25 veteran-owned small business, then the Department shall
26 revoke the business's certification for a period of not

1 less than 3 years. An additional or subsequent violation
2 shall extend the periods of suspension and revocation for a
3 period of not less than 5 years. The suspension and
4 revocation shall apply to the principals of the business
5 and any subsequent business formed or financed by, or
6 affiliated with, those principals.

7 (2) Reports of violations. Each State agency shall
8 report any alleged violation of Section 17-10.3 or
9 subsection (d) of Section 33E-6 of the Criminal Code of
10 2012 relating to this Section to the chief procurement
11 officers appointed pursuant to Section 10-20. The chief
12 procurement officers appointed pursuant to Section 10-20
13 shall subsequently report all such alleged violations to
14 the Attorney General, who shall determine whether to bring
15 a civil action against any person for the violation.

16 (3) List of suspended persons. The chief procurement
17 officers appointed pursuant to Section 10-20 shall monitor
18 the status of all reported violations of Section 17-10.3 or
19 subsection (d) of Section 33E-6 of the Criminal Code of
20 1961 or the Criminal Code of 2012 relating to this Section
21 and shall maintain and make available to all State agencies
22 a central listing of all persons that committed violations
23 resulting in suspension.

24 (4) Use of suspended persons. During the period of a
25 person's suspension under paragraph (1) of this
26 subsection, a State agency shall not enter into any

1 contract with that person or with any contractor using the
2 services of that person as a subcontractor.

3 (5) Duty to check list. Each State agency shall check
4 the central listing provided by the chief procurement
5 officers appointed pursuant to Section 10-20 under
6 paragraph (3) of this subsection to verify that a person
7 being awarded a contract by that State agency, or to be
8 used as a subcontractor or supplier on a contract being
9 awarded by that State agency, is not under suspension
10 pursuant to paragraph (1) of this subsection.

11 (Source: P.A. 97-260, eff. 8-5-11; 97-1150, eff. 1-25-13;
12 98-307, eff. 8-12-13; 98-1076, eff. 1-1-15.)

13 (30 ILCS 500/50-2)

14 Sec. 50-2. Continuing disclosure; false certification.
15 Every person that has entered into a multi-year contract and
16 every subcontractor with a multi-year subcontract shall
17 certify, by January ~~July~~ 1 of each fiscal year covered by the
18 contract after the initial fiscal year, to the responsible
19 chief procurement officer whether it continues to satisfy the
20 requirements of this Article pertaining to eligibility for a
21 contract award. If a contractor or subcontractor is not able to
22 truthfully certify that it continues to meet all requirements,
23 it shall provide with its certification a detailed explanation
24 of the circumstances leading to the change in certification
25 status. A contractor or subcontractor that makes a false

1 statement material to any given certification required under
2 this Article is, in addition to any other penalties or
3 consequences prescribed by law, subject to liability under the
4 Illinois False Claims Act for submission of a false claim.

5 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
6 for the effective date of P.A. 96-795); 96-1304, eff. 7-27-10.)

7 (30 ILCS 500/50-10)

8 Sec. 50-10. Felons.

9 (a) Unless otherwise provided, no person or business
10 convicted of a felony shall do business with the State of
11 Illinois or any State agency, or enter into a subcontract, from
12 the date of conviction until 5 years after the date of
13 completion of the sentence for that felony, unless no person
14 held responsible by a prosecutorial office for the facts upon
15 which the conviction was based continues to have any
16 involvement with the business. For purposes of this subsection
17 (a), "completion of sentence" means completion of all
18 sentencing related to the felony conviction or admission and
19 includes, but is not limited to, the following: incarceration,
20 mandatory supervised release, probation, work release, house
21 arrest, or commitment to a mental facility.

22 (b) Every bid or offer submitted to the State, every
23 contract executed by the State, every subcontract subject to
24 Section 20-120 of this Code, and every vendor's submission to a
25 vendor portal shall contain a certification by the bidder,

1 offeror, potential contractor, contractor, or subcontractor,
2 respectively, that the bidder, offeror, potential contractor,
3 contractor, or subcontractor is not barred from being awarded a
4 contract or subcontract under this Section and acknowledges
5 that the chief procurement officer may declare the related
6 contract void if any of the certifications required by this
7 Section are false. If the false certification is made by a
8 subcontractor, then the contractor's submitted bid or offer and
9 the executed contract may not be declared void, unless the
10 contractor refuses to terminate the subcontract upon the
11 State's request after a finding that the subcontract's
12 certification was false.

13 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

14 (30 ILCS 500/50-10.5)

15 Sec. 50-10.5. Prohibited bidders, offerors, potential
16 contractors, and contractors.

17 (a) Unless otherwise provided, no business shall bid,
18 offer, enter into a contract or subcontract under this Code, or
19 make a submission to a vendor portal if the business or any
20 officer, director, partner, or other managerial agent of the
21 business has been convicted of a felony under the
22 Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under
23 the Illinois Securities Law of 1953 for a period of 5 years
24 from the date of conviction.

25 (b) Every bid and offer submitted to the State, every

1 contract executed by the State, every vendor's submission to a
2 vendor portal, and every subcontract subject to Section 20-120
3 of this Code shall contain a certification by the bidder,
4 offeror, potential contractor, contractor, or subcontractor,
5 respectively, that the bidder, offeror, potential contractor,
6 contractor, or subcontractor is not barred from being awarded a
7 contract or subcontract under this Section and acknowledges
8 that the chief procurement officer shall declare the related
9 contract void if any of the certifications completed pursuant
10 to this subsection (b) are false. If the false certification is
11 made by a subcontractor, then the contractor's submitted bid or
12 offer and the executed contract may not be declared void,
13 unless the contractor refuses to terminate the subcontract upon
14 the State's request after a finding that the subcontract's
15 certification was false.

16 (c) If a business is not a natural person, the prohibition
17 in subsection (a) applies only if:

18 (1) the business itself is convicted of a felony
19 referenced in subsection (a); or

20 (2) the business is ordered to pay punitive damages
21 based on the conduct of any officer, director, partner, or
22 other managerial agent who has been convicted of a felony
23 referenced in subsection (a).

24 (d) A natural person who is convicted of a felony
25 referenced in subsection (a) remains subject to Section 50-10.

26 (e) No person or business shall bid, offer, make a

1 submission to a vendor portal, or enter into a contract under
2 this Code if the person or business assisted an employee of the
3 State of Illinois, who, by the nature of his or her duties, has
4 the authority to participate personally and substantially in
5 the decision to award a State contract, by reviewing, drafting,
6 directing, or preparing any invitation for bids, a request for
7 proposal, or request for information or provided similar
8 assistance except as part of a publicly issued opportunity to
9 review drafts of all or part of these documents.

10 This subsection does not prohibit a person or business from
11 submitting a bid or offer or entering into a contract if the
12 person or business: (i) initiates a communication with an
13 employee to provide general information about products,
14 services, or industry best practices, ~~and, if applicable, that~~
15 ~~communication is documented in accordance with Section 50-39 or~~
16 (ii) responds to a communication initiated by an employee of
17 the State for the purposes of providing information to evaluate
18 new products, trends, services, or technologies, or (iii) asks
19 for clarification regarding a contract solicitation so long as
20 there is no competitive advantage to the person or business and
21 the question and answer, if material, are posted to the
22 Illinois Procurement Bulletin as an addendum to the contract
23 solicitation.

24 Nothing in this Section prohibits a vendor developing
25 technology, goods, or services from bidding or offering to
26 supply that technology or those goods or services if the

1 subject demonstrated to the State represents industry trends
2 and innovation and is not specifically designed to meet the
3 State's needs.

4 Nothing in this Section prohibits a person performing
5 construction related services from initiating contact with a
6 business that performs construction for the purpose of
7 obtaining market costs or production time to determine the
8 estimated costs to complete the construction project.

9 For purposes of this subsection (e), "business" includes
10 all individuals with whom a business is affiliated, including,
11 but not limited to, any officer, agent, employee, consultant,
12 independent contractor, director, partner, or manager of a
13 business.

14 No person or business shall submit specifications to a
15 State agency unless requested to do so by an employee of the
16 State. No person or business who contracts with a State agency
17 to write specifications for a particular procurement need shall
18 submit a bid or proposal or receive a contract for that
19 procurement need.

20 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

21 (30 ILCS 500/50-40)

22 Sec. 50-40. Reporting and anticompetitive practices. When,
23 for any reason, any vendor, bidder, offeror, potential
24 contractor, contractor, chief procurement officer, State
25 purchasing officer, designee, elected official, or State

1 employee suspects collusion or other anticompetitive practice
2 among any bidders, offerors, potential contractors,
3 contractors, or employees of the State, a notice of the
4 relevant facts shall be transmitted to the appropriate
5 Inspector General, the Attorney General and the chief
6 procurement officer. The reporting requirements shall be
7 conveyed through ethics training under the State Officials and
8 Employees Ethics Act. An employee who knowingly and
9 intentionally violates this Section shall be subject to
10 suspension or discharge.

11 (Source: P.A. 98-1076, eff. 1-1-15.)

12 (30 ILCS 500/50-45)

13 Sec. 50-45. Confidentiality. Any chief procurement
14 officer, State purchasing officer, designee, ~~or~~ executive
15 officer, or State employee who willfully uses or allows the use
16 of specifications, competitive solicitation documents,
17 proprietary competitive information, contracts, or selection
18 information to compromise the fairness or integrity of the
19 procurement or contract process shall be subject to immediate
20 dismissal, regardless of the Personnel Code, any contract, or
21 any collective bargaining agreement, and may in addition be
22 subject to criminal prosecution.

23 (Source: P.A. 98-1076, eff. 1-1-15.)

24 (30 ILCS 500/50-39 rep.)

1 Section 15. The Illinois Procurement Code is amended by
2 repealing Section 50-39.

3 Section 20. The Small Business Contracts Act is amended by
4 changing Sections 10 and 20 as follows:

5 (30 ILCS 503/10)

6 Sec. 10. Award of State contracts.

7 (a) Not less than 10% of the total dollar amount of State
8 contracts shall be established as a goal to be awarded as a
9 contract or subcontract to small businesses.

10 (b) The percentage in subsection (a) relates to the total
11 dollar amount of State contracts during each State fiscal year,
12 calculated by examining independently each type of contract for
13 each State official or agency which lets such contracts.

14 (Source: P.A. 97-307, eff. 8-11-11.)

15 (30 ILCS 503/20)

16 Sec. 20. Annual report. Each chief procurement officer
17 shall file no later than November ~~March~~ 1 of each year, an
18 annual report that shall detail the level of achievement toward
19 the goals specified in this Act over the 3 most recent fiscal
20 years. The annual report shall include, but need not be limited
21 to, the following:

22 (1) a summary detailing State appropriations subject
23 to the goals, the actual goals specified, and the goals

1 attained by each State official or agency;

2 (2) a summary of the number of contracts awarded and
3 the average contract amount by each State official or
4 agency; and

5 (3) an analysis of the level of overall goal
6 achievement concerning purchases from small businesses.

7 (Source: P.A. 97-307, eff. 8-11-11.)

8 Section 25. The Governmental Joint Purchasing Act is
9 amended by changing Section 2 as follows:

10 (30 ILCS 525/2) (from Ch. 85, par. 1602)

11 Sec. 2. Joint purchasing authority.

12 (a) Any governmental unit may purchase personal property,
13 supplies and services jointly with one or more other
14 governmental units. All such joint purchases shall be by
15 competitive solicitation as provided in Section 4 of this Act.
16 The provisions of any other acts under which a governmental
17 unit operates which refer to purchases and procedures in
18 connection therewith shall be superseded by the provisions of
19 this Act when the governmental units are exercising the joint
20 powers created by this Act.

21 (a-5) A chief procurement officer established in Section
22 10-20 of the Illinois Procurement Code may authorize the
23 purchase of personal property, supplies, and services jointly
24 with a governmental entity of this or another state or with a

1 consortium of governmental entities of one or more other
2 states. Subject to provisions of the joint purchasing
3 solicitation, the appropriate chief procurement officer may
4 designate the resulting contract as available to governmental
5 units in Illinois. The chief procurement officers shall submit
6 to the General Assembly by November 1 of each year a report of
7 procurements made under this subsection (a-5).

8 (a-10) Each chief procurement officer appointed pursuant
9 to Section 10-20 of the Illinois Procurement Code may authorize
10 the purchase or lease of personal property, supplies, and
11 services which have been procured through a competitive process
12 by a federal agency, a consortium of governmental, educational,
13 medical, research, or similar entities, or group purchasing
14 organizations of which the chief procurement officer or State
15 agency is a member or affiliate, including, without limitation,
16 any purchasing entity operating under the federal General
17 Service Administration, the federal Higher Education
18 Cooperative Act, and the Midwestern Higher Education
19 Cooperation Act. A chief procurement officer may authorize
20 purchases and contracts established by other means if the chief
21 procurement officer determines it is in the best interests of
22 the State. Each chief procurement officer may establish
23 detailed rules and policies and procedures for use of these
24 cooperative solicitations and contracts, including, without
25 limitation, that the State agency make a determination that the
26 award or contract is in the best interest of the State and that

1 the contract include provisions required by Illinois law.
2 Notice of awards or contracts shall be published by the chief
3 procurement officer in the Illinois Procurement Bulletin at
4 least 14 days prior to use of the award or contract. Each chief
5 procurement officer shall submit to the General Assembly by
6 November 1 of each year a report of procurements made under
7 this subsection (a-10).

8 (b) Any not-for-profit agency that qualifies under Section
9 45-35 of the Illinois Procurement Code and that either (1) acts
10 pursuant to a board established by or controlled by a unit of
11 local government or (2) receives grant funds from the State or
12 from a unit of local government, shall be eligible to
13 participate in contracts established by the State.

14 (Source: P.A. 96-584, eff. 1-1-10; 97-895, eff. 8-3-12.)

15 Section 30. The Illinois Human Rights Act is amended by
16 changing Section 2-101 as follows:

17 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

18 Sec. 2-101. Definitions. The following definitions are
19 applicable strictly in the context of this Article.

20 (A) Employee.

21 (1) "Employee" includes:

22 (a) Any individual performing services for
23 remuneration within this State for an employer;

24 (b) An apprentice;

1 (c) An applicant for any apprenticeship.

2 For purposes of subsection (D) of Section 2-102 of this
3 Act, "employee" also includes an unpaid intern. An unpaid
4 intern is a person who performs work for an employer under
5 the following circumstances:

6 (i) the employer is not committed to hiring the
7 person performing the work at the conclusion of the
8 intern's tenure;

9 (ii) the employer and the person performing the
10 work agree that the person is not entitled to wages for
11 the work performed; and

12 (iii) the work performed:

13 (I) supplements training given in an
14 educational environment that may enhance the
15 employability of the intern;

16 (II) provides experience for the benefit of
17 the person performing the work;

18 (III) does not displace regular employees;

19 (IV) is performed under the close supervision
20 of existing staff; and

21 (V) provides no immediate advantage to the
22 employer providing the training and may
23 occasionally impede the operations of the
24 employer.

25 (2) "Employee" does not include:

26 (a) Domestic servants in private homes;

1 (b) Individuals employed by persons who are not
2 "employers" as defined by this Act;

3 (c) Elected public officials or the members of
4 their immediate personal staffs;

5 (d) Principal administrative officers of the State
6 or of any political subdivision, municipal corporation
7 or other governmental unit or agency;

8 (e) A person in a vocational rehabilitation
9 facility certified under federal law who has been
10 designated an evaluatee, trainee, or work activity
11 client.

12 (B) Employer.

13 (1) "Employer" includes:

14 (a) Any person employing 15 or more employees
15 within Illinois during 20 or more calendar weeks within
16 the calendar year of or preceding the alleged
17 violation;

18 (b) Any person employing one or more employees when
19 a complainant alleges civil rights violation due to
20 unlawful discrimination based upon his or her physical
21 or mental disability unrelated to ability, pregnancy,
22 or sexual harassment;

23 (c) The State and any political subdivision,
24 municipal corporation or other governmental unit or
25 agency, without regard to the number of employees;

26 (d) Any party to a public contract without regard

1 to the number of employees;

2 (e) A joint apprenticeship or training committee
3 without regard to the number of employees.

4 (2) "Employer" does not include any religious
5 corporation, association, educational institution,
6 society, or non-profit nursing institution conducted by
7 and for those who rely upon treatment by prayer through
8 spiritual means in accordance with the tenets of a
9 recognized church or religious denomination with respect
10 to the employment of individuals of a particular religion
11 to perform work connected with the carrying on by such
12 corporation, association, educational institution, society
13 or non-profit nursing institution of its activities.

14 (C) Employment Agency. "Employment Agency" includes both
15 public and private employment agencies and any person, labor
16 organization, or labor union having a hiring hall or hiring
17 office regularly undertaking, with or without compensation, to
18 procure opportunities to work, or to procure, recruit, refer or
19 place employees.

20 (D) Labor Organization. "Labor Organization" includes any
21 organization, labor union, craft union, or any voluntary
22 unincorporated association designed to further the cause of the
23 rights of union labor which is constituted for the purpose, in
24 whole or in part, of collective bargaining or of dealing with
25 employers concerning grievances, terms or conditions of
26 employment, or apprenticeships or applications for

1 apprenticeships, or of other mutual aid or protection in
2 connection with employment, including apprenticeships or
3 applications for apprenticeships.

4 (E) Sexual Harassment. "Sexual harassment" means any
5 unwelcome sexual advances or requests for sexual favors or any
6 conduct of a sexual nature when (1) submission to such conduct
7 is made either explicitly or implicitly a term or condition of
8 an individual's employment, (2) submission to or rejection of
9 such conduct by an individual is used as the basis for
10 employment decisions affecting such individual, or (3) such
11 conduct has the purpose or effect of substantially interfering
12 with an individual's work performance or creating an
13 intimidating, hostile or offensive working environment.

14 (F) Religion. "Religion" with respect to employers
15 includes all aspects of religious observance and practice, as
16 well as belief, unless an employer demonstrates that he is
17 unable to reasonably accommodate an employee's or prospective
18 employee's religious observance or practice without undue
19 hardship on the conduct of the employer's business.

20 (G) Public Employer. "Public employer" means the State, an
21 agency or department thereof, unit of local government, school
22 district, instrumentality or political subdivision.

23 (H) Public Employee. "Public employee" means an employee of
24 the State, agency or department thereof, unit of local
25 government, school district, instrumentality or political
26 subdivision. "Public employee" does not include public

1 officers or employees of the General Assembly or agencies
2 thereof.

3 (I) Public Officer. "Public officer" means a person who is
4 elected to office pursuant to the Constitution or a statute or
5 ordinance, or who is appointed to an office which is
6 established, and the qualifications and duties of which are
7 prescribed, by the Constitution or a statute or ordinance, to
8 discharge a public duty for the State, agency or department
9 thereof, unit of local government, school district,
10 instrumentality or political subdivision.

11 (J) Eligible Bidder. "Eligible bidder" means a person who,
12 prior to contract award ~~a bid opening~~, has filed with the
13 Department a properly completed, sworn and currently valid
14 employer report form, pursuant to the Department's
15 regulations. The provisions of this Article relating to
16 eligible bidders apply only to bids on contracts with the State
17 and its departments, agencies, boards, and commissions, and the
18 provisions do not apply to bids on contracts with units of
19 local government or school districts.

20 (K) Citizenship Status. "Citizenship status" means the
21 status of being:

22 (1) a born U.S. citizen;

23 (2) a naturalized U.S. citizen;

24 (3) a U.S. national; or

25 (4) a person born outside the United States and not a
26 U.S. citizen who is not an unauthorized alien and who is

1 protected from discrimination under the provisions of
2 Section 1324b of Title 8 of the United States Code, as now
3 or hereafter amended.

4 (Source: P.A. 98-1037, eff. 1-1-15; 98-1050, eff. 1-1-15;
5 99-78, eff. 7-20-15.)

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.

13 Section 99. Effective date. This Act takes effect July 1,
14 2016."